

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1802 of 2022

Manoranjan Mohanty and others Petitioners
Mr. Deepak Kumar Sahoo, Advocate

-Versus-

State of Odisha and others Opposite Parties
Mr. S.S. Mohapatra, ASC, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
27.09.2022

Order No.

03.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the order of cognizance dated 2nd January, 2020 passed by the learned S.D.J.M., Keonjhar in G.R. Case No.1136 of 2019 arising out of Keonjhar Town P.S. Case No.243 of 2019 on the ground that the dispute has been compromised between both the sides.
3. Perused the copy of the FIR as at Annexure-2 series and copy of the impugned order of cognizance i.e. Annexure-1.
4. Learned counsel for the petitioners submits that indeed there is a compromise between the petitioners and opposite party No.2. It is further submitted that petitioner No.1 and opposite party No.2 are related as husband and wife and in the meantime, after compromise, both are staying together and leading a happy marital life and considering the aforesaid development, the criminal

proceeding in G.R. Case No.1136 of 2019 pending before the learned court below and the order of cognizance under Annexure-1 should be quashed in the interest of justice. While claiming so, a joint affidavit has been filed by the petitioner no.1 and opposite party No.2 is referred to. In fact, the learned counsel for opposite party No.2 produced the said joint affidavit in Court today sworn by petitioner No.1 and opposite party No.2 and admits the fact of compromise reached at between them.

6. Petitioner No.1 and opposite party No.2 are present physically in Court and both of them admitted about the compromise between themselves and requested that the criminal proceeding should be quashed in the interest of justice.

7. The Court perused the joint affidavit and also the identity proof, such as, original Aadhar Cards produced by petitioner No.1 and opposite party No.2, copies of which are annexed to the affidavit itself.

8. A formal objection is received from the side of the learned counsel for the State that the offences under which the learned court below has taken cognizance are under Sections 498-A, 294, 323, 506 read with 34 of IPC and Section 4 of DP Act.

9. In view of the compromise which is claimed by petitioner No.1 and opposite party No.2 as both the parties are present in Court today along with the joint affidavit sworn by them stating about the settlement reached at between them, the Court is of the considered view that the proceeding pending before learned court below in G.R. No.1136 of 2019 should be quashed so as to ensure peace and stability in the life of the parties, who are presently staying together as spouses and leading a happy conjugal life in view of the judgment of the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC

675, wherein, it has been held that under certain circumstances inherent jurisdiction under Section 482 Cr.P.C. may be exercised in order to secure and meet the ends of justice. In the present case, in view of the compromise between the parties, the Court is of the opinion that no fruitful purpose would be served by allowing continuance of the criminal proceeding in G.R. Case No.1136 of 2019 and rather a fit case where the criminal proceeding should be quashed in exercise of inherent jurisdiction. Accordingly, it is ordered.

10. The CRLMC stands allowed.

11. As a corollary, the criminal proceeding in G.R. Case No.1136 of 2019 arising out of Keonjhar Town P.S. Case No.243 of 2019 pending in the file of learned S.D.J.M., Keonjhar is hereby quashed.

12. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge