

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1828 of 2022

Prasanta Naik

....

Petitioner

Mr. Jugala Kishore Panda, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC, OP No.1

Mr. Achyutananda Pattanaik, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

13.09.2022

Order No.

02.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.

2. The present petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the FIR registered as Parjanga P.S. Case No.58 of 2022 corresponding to G.R. Case No.55 of 2022 pending in the file of J.M.F.C., Parajanga, Dhenkanal now lying before the learned Additional Sessions Judge, Kamakhyanagar in CT(SS) No.124 of 2022 on the grounds stated therein.

3. Learned counsel for the petitioner submits that the petitioner and opposite party No.2 have married and presently staying together as husband and wife and in support of such claim, opposite party No.2, namely, informant has filed an affidavit before this Court, which is on record. It is further submitted that since the parties have married and presently leading a happy conjugal life as spouses, the further continuation of C.T. (SS) No.124 of 2022

pending in the court of learned Additional Sessions Judge, Kamakhyanagar may not serve any purpose and therefore, it should be quashed in the interest of justice. In this connection, the learned counsel for the petitioner cites an order passed in CRLMP No.2560 of 2022 dated 17th May, 2022, wherein, in a similar situation, the criminal proceeding was quashed in exercise of inherent jurisdiction by referring to the decisions of the Hon'ble Apex Court in the case of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbahi Karkur and others Vrs. State of Gujarat and another** AIR 2017 SCC 4843 and in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** (2003) 4 SCC 675 contending that the same squarely applies to the present case.

4. Learned counsel for opposite party No.2 admits the fact of marriage between the parties and that they are staying together and leading a happy conjugal life without any disturbance. It is contended that in that view of the aforesaid development and the parties have married and residing a happy marital life, the Special Criminal proceeding in CT(SS) No.124 of 2022 arising out of G.R. Case No.55 of 2022 pending before the learned Additional Sessions Judge, Kamakhyanagar should be terminated.

5. Formal objection is received from the learned counsel for the State on the ground that there is no material on record to show that the parties have married. Petitioner and opposite party No.2 are present in Court today. On being asked, opposite party No.2 claimed that she has married to the petitioner and both are staying together as husband and wife. The Petitioner submits that he would take steps to register their marriage shortly.

6. Having regard to the above facts and submissions of the learned counsel for the parties, hearing the Petitioner and opposite party No.2 in person, the Court is of the view that on account of

the marriage between them which has taken place and recording the assurance of the petitioner that shortly marriage between him and opposite party No.2 would be registered as per rules, the Court is of the view that with the available materials the further proceeding in S.T. (SS) No.124 of 2022 corresponding to G.R. Case No.55 of 2022 pending before the learned Additional Sessions Judge, Kamakhyanagar should be quashed in the interest of justice so as to ensure happy marital life between the parties.

7. The above conclusion is derived from the decision of Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 wherein it is held that such jurisdiction may be exercised by the High Courts to meet the ends of justice taking into account the facts and circumstances of the case. Having said so, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised in order to ensure peace and stability in the marital life of the parties. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed.

9. As a corollary, the criminal proceeding in CT(SS) No.124 of 2022 pending in the court of learned Additional Sessions Judge, Kamakhyanagar corresponding to G.R. Case No.55 of 2022 is hereby quashed.

10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge