

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3589 of 2015

Bijay Kumar Sethi @ Prahallad Sethi Petitioner
Mr.Pravash Ch. Jena, Advocate

-Versus-

State of Odisha and others Opposite Parties
Mr. S. N. Das, ASC-O.P. No.1
None for O.P. Nos.2 and 4

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.08.2022

Order No.

05.

1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party Nos.2 to 4 in spite of valid service of notice.
2. The instant petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the criminal proceeding pertaining to C.T. Case No.562 of 2013, arising out of Khaira P.S. Case No.127 of 2013 pending in the file of learned J.M.F.C., Soro, on the grounds stated therein.
3. Perused the F.I.R. and other connected documents.
4. Learned counsel for the petitioner submits that the petitioner and opposite party No.3 had love affair and they fled from the village to Bangalore and married there in a temple, which is revealed from the statement of the victim girl recorded under Section 164 Cr.P.C. which is at Annexure-2 and in the meanwhile,

both have been blessed with a child born in the year 2014. It is thus submitted that the proceeding pending before the learned J.M.F.C., Soro in C.T. Case No.562 of 2013 for the above reasons should be quashed. While contending so, learned counsel for the petitioner refers to a copy of the Discharge Certificate (Annexure-4) of opposite party No.3 from CHC, Soro.

5. This Court vide order dated 7th September, 2015 passed in Misc. Case No.2316 of 2015 directed the Secretary, Shelter Home to release the victim girl-opposite party No.3 to go with the petitioner and pursuant to the said direction, she was released and since then both petitioner and opposite party No.3 are staying together as husband and wife and leading a happy conjugal life. On a reading of Section 164 Cr.P.C., it reveals that opposite party No.3 did not allege anything adverse against the petitioner. It further appears that she and the petitioner were in a relationship and opposite party No.3 eloped with him to Bangalore and they got married there and remained together as husband and wife for about a year and in the meantime became pregnant and then both returned to the village but by then, her father had lodged the FIR against the petitioner.

6. Considering the above statement of the victim girl regarding marriage with the petitioner and the fact that she has given birth to a child in the year 2014 and recording the statement of learned counsel for the petitioner that both are residing together as husband and wife and leading a happy conjugal life, this Court by exercising its inherent power under Section 482 Cr.P.C feels it proper and expedient that the proceeding ought to be quashed in the interest of justice so as to ensure that the parties live peacefully without any disturbance.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in C.T. Case No.562 of 2013 corresponding to Khaira P.S. case No.127 of 2013 pending before the court of learned J.M.F.C., Soro is hereby quashed.

(R.K. Pattanaik)
Judge

U.K.Sahoo

