

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1901 of 2022

Fakira Behera and Others

....

Petitioners

Mr. D.N. Pattanaik, Advocate

-Versus-

State of Odisha and Others

....

Opposite Parties

Mr. P.K. Rout, AGA

Mr. S. Sethi, Advocate for O.P. Nos.2 and 3

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

29.09.2022

Order
No.
02.

1. Heard learned counsel for the parties.
2. Instant case, the petitioners have challenged the order of cognizance dated 30th January, 1997 and also criminal proceeding in G.R. Case No.809 of 1996 pending in the file of learned S.D.J.M. Khurda on the grounds stated therein.
3. Learned counsel for the petitioners submits that the victim, namely, opposite party No.3 has married to the petitioner No.1 which was held about 25 years back and both are blessed with two children aged about 12 years and 8 years. While claiming so, the learned counsel for the petitioner refers to the copy of the affidavit sworn by opposite party No.2 which is at Flag-3. Learned counsel for opposite party Nos. 2 and 3 also admits about the marriage between petitioner No.1 and opposite party No.3.

4. The informant, namely, opposite party No.2 is physically present in Court today. On being asked, opposite party No.2 confirms the fact regarding the marriage between her daughter, namely, opposite party No.3 and petitioner No.1 having taken place about 25 years back. The identify proof of the informant, namely, opposite party No.2, such as, copy of the Aadhar Card is at Annexure-2 series. So also that of opposite party No.3 and the same are perused. It is submitted that the alleged incident took place in the year 1996 during which opposite party No.3 was allegedly kidnapped by petitioner No.1.

5. At present, it is claimed that in view of the marriage between petitioner No.1 and opposite party No.3 and since both are blessed with two children, the criminal proceeding pending before the court of learned S.D.J.M., Khurda in G.R. Case No.809 of 1996 should be quashed in the interest of justice.

6. Considering the above submissions and taking into account the fact that petitioner No.1 and opposite party No.3 have married in the meantime which claims to have taken place 25 years back and said fact is admitted by opposite party No.2 himself being the father of victim and keeping in view the settled position of law as laid down by the Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, the Court is of the opinion that it is fit case where the criminal proceeding should be quashed so as to bring stability in the lives of the parties and in order to ensure that the parties lead a happy conjugal life.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Contently, the criminal proceeding in G.R. Case No.809 of 1996 pending before the court of learned S.D.J.M., Khurda is hereby quashed.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

