

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1937 of 2022

Shashi Bhusan Behera

....

Petitioner

Mr. Arijeet Mishra, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

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

Mr. Siba Prasada Mishra, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

Order No.

03.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and learned counsel appearing for the victim namely opposite party No.2.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the proceeding in G.R. Case No.1057 of 2015, arising out of Dharmasala P.S. Case No.301 of 2015 pending in the court of learned J.M.F.C., Chandikhole on the grounds stated therein.

3. Mr. Mishra, learned counsel for the petitioner submits that there has been a compromise between the parties and they are leading a happy life as revealed from the FIR, statement of the victim girl and charge-sheet has been filed under Sections 493/417/506 IPC. It is further submitted that in view of the submission made, the opposite party No.2 is not inclined to proceed with the case against the petitioner any further.

4. Learned Standing Counsel for the State submits that instruction received from the concerned I.O. that parties have reached at a settlement showing disinclination by the opposite party No.2 for proceeding against the petitioner.

5. Learned counsel for the opposite party No.2 is present and she submits that they have compromised the matter amicably between themselves. Referring to the affidavit filed which is at Flag-B, the Court perused the said affidavit and finds the parties have reached at a settlement amicably in view of the intervention of well-wishers and village gentries.

6. Parties are present in person in Court today and produced their identity proof before this Court. On being asked, the petitioner as well as opposite party No.2 submits that they have settled their dispute amicably.

7. Considering the above facts and the nature of allegation in the FIR and the fact that petitioner has concessional relationship with the and opposite party No.2, who was aged about 19 years at the time of accident and taking into account the affidavit on record sworn by opposite party No.2 and having regard to the settlement arrived at by the parties and the judgment of the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 held that such jurisdiction may be exercised by the High Courts taking into account the facts and circumstances of the case to meet the ends of justice. 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 in the marital life of the parties. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the proceeding in G.R. Case No.1057 of 2015, arising out of

Dharmasala P.S. Case No.301 of 2015 pending in the court of learned J.M.F.C., Chandikhole is hereby quashed.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

