

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1963 of 2022

Kuna Das

.... **Petitioner**
Mr. M.Chand, Advocate

-Versus-

State of Odisha & Another

.... **Opposite Parties**
Mr. S.K.Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.10.2022

Order No.

- 04.
1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.
 2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with C.T. Case No. 10 of 2020 corresponding to G.Udayagiri P.S. Case No. 44 of 2020 pending before the court of learned Additional Sessions Judge-cum-Special Judge (POCSO), Phulbani, Kandhamal on the grounds stated therein.
 3. Perused the copy of the F.I.R. which is at Annexure-1.
 4. Mr. Chand, learned counsel for the petitioner submits that the petitioner and the opposite party No.2 have married in the meantime and both are staying together as spouses and leading a happy conjugal life and considering the aforesaid development, the criminal

proceeding pending before the court below in C.T. Case No. 10 of 2020 should be quashed in the interest of justice.

5. Learned counsel for opposite party No.2 is present and he also admits the fact of marriage of the petitioner and opposite party No.2 in the meantime.

6. Pursuant to the direction of this Court on the last occasion the mother of opposite party No.2 has appeared today with her identity proof, such as, original Aadhar Card. An affidavit is also filed by the mother of opposite party No.2 stating about the marriage between her daughter and the petitioner on 3rd February, 2022 at a temple in Khallikote in presence of relatives and other family members. On being asked to the mother of the opposite party No.2, namely, Gitanjali Pujari, she submits that after such marriage, her daughter and son-in-law, namely, the petitioner are staying together and leading a happy conjugal life.

7. Learned counsel for the State submits that one of the offences alleged is under Section 376 IPC which is not compoundable in nature.

8. Considering the affidavit of the mother of opposite party No.2 from which it is made to suggest that both the parties have married on 3rd February, 2022 at a temple and living together as husband and wife and she being present in the Court today along with petitioner and opposite party No.2, the Court is of the view that after such marriage having taken place recently the criminal proceeding which is pending before the Additional Sessions Judge-cum-Special Judge (POCSO), Phulbani, Kandhamal should be brought to an end in the interest of justice. The Court is aware of the settled position of law laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein, it has been held and observed that under

certain circumstances, inherent jurisdiction under Section 482 of Cr.P.C. may be exercised in order to secure the ends of justice.

9. In the present case, considering the allegations in the F.I.R. and the fact that the parties were known to each other as they were working in a dancing group and thereafter, both fell apart for reasons leading to lodging of the F.I.R., whereafter, G.Udayagiri P.S. Case No. 44 of 2020 was registered and in view of the subsequent development about their marriage held recently in the month of February, 2022 and now staying together as husband and wife and leading a happy conjugal life, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised so as to terminate the proceeding pending between the parties before the court of learned Additional Sessions Judge-cum-Special Judge (POCSO), Phulbani, Kandhamal or else it may lead to further complications and create more disturbances in the lives of the parties.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed.

12. Consequently, the criminal proceeding in connection with C.T. Case No. 10 of 2020 corresponding to G.Udayagiri P.S. Case No. 44 of 2020 pending before the court of learned Additional Sessions Judge-cum-Special Judge (POCSO), Phulbani, Kandhamal is hereby quashed.

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

(R.K. Pattanaik)
Judge