

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1996 of 2022

Dibya Ranjan Mohanty

....

Petitioner

Mr. C. Behera, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. T.K. Praharaj, SC

Mr. J.K. Ray, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.09.2022

Order
No.

01.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.895 of 2020 corresponding to Jagatsinghpur P.S. Case No.303 of 2020 pending before the court of learned S.D.J.M., Jagatsinghpur on the grounds stated therein.
3. Perused the copy of the FIR and also charge sheet under Annexure-2 series.
4. Learned counsel for the petitioner submits that the parties reached at a compromise and therefore, considering the nature of allegations and circumstances leading to the lodging of FIR, the criminal proceeding in G.R. Case No.895 of 2020 should be quashed in the interest of justice. Learned counsel for the opposite

party No.2 is present in Court and claimed about the alleged compromise between the parties.

5. The petitioner and opposite party No.2 are present in Court today in person. On being asked, opposite party No.2 claimed about the settlement/compromise between her and the petitioner and affidavit sworn by opposite party No.2 is also filed and the same is perused by the Court. In the said affidavit, opposite party No.2 stated that there has been a amicable settlement between her and the petitioner due to the intervention of the local gentlemen and expressed her no objection in the event the criminal proceeding is quashed.

6. Learned counsel for the State submits that one of the offences involved is under Section 376 IPC and therefore, the criminal proceeding should not be quashed in view of the restriction imposed by the Apex Court in the number of decisions.

7. The Court perused the FIR and its contents. In fact, from the FIR, the Court finds that the parties were known to each other but under some usual circumstances developed relationship which was though objected by opposite party No.2. The opposite party No.2 finally lodged the FIR whereupon Jagatsinghpur P.S. Case No.303 of 2020 was registered. The Court is of the view that though in decisions of the Supreme Court, it is held that inherent jurisdiction under Section 482 Cr.P.C should not be exercised when the offences are grievous in nature like rape, murder and dacoity or offences of similar kind but then the cases of the present nature should be treated differently where the parties have had acquaintance and in a relationship but finally the FIR lodged alleging rape. This Court is of the humble opinion that under such circumstances and where there is a settlement reached at between the parties, quashing of the proceeding in exercise of inherent

jurisdiction under Section 482 Cr.P.C. should be allowed unless a special case is made out for a departure. In other words, even though an offence under Section 376 IPC is alleged, in peculiar facts and circumstances like the case of the present nature, such filing of charge sheet for such an offence should not stand as a bar for the Court from exercising its inherent jurisdiction. So considering the affidavit filed by opposite party No.2 and her presence before the Court today and realizing that she has already married elsewhere in the meantime and leading a happy conjugal life, the Court is of the view that the criminal proceeding which is pending before the learned court below should not be allowed to continue as any such continuation would rather bring a lot of hardship, inconvenience and serious disturbance in her marital life. Hence, for the above reasons, this Court is inclined to quash the criminal proceeding so as to ensure that the parties live and lead a peaceful life henceforth.

8. Accordingly, it is ordered.

9. Consequently, the CRLMC stands allowed. As a necessary corollary, the criminal proceeding in G.R. Case No.895 of 2020 Jagatsinghpur P.S. Case No.303 of 2020 pending before the court of learned S.D.J.M., Jagatsinghpur is hereby quashed.

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

(R.K. Pattanaik)
Judge

Tudu