

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 10 of 2014

Malay Naik

....

Petitioner

Mr.P.S.Nayak, Advocate

-Versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

Mr. Brundaban Rout, Advocate for O.P.No.2

None of O.P.No.3

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order No.

- 10.
1. Heard learned counsel for the petitioner, Mr. Mohapatra, learned counsel for the State and learned counsel for opposite party Nos.2 & 3.
 2. Prayer in the present petition is for quashing of the criminal proceeding in connection with G.R. Case No. 1364 of 2013 arising out of Kaniha P.S. Case No. 182 of 2013 pending in the court of learned SDJM, Talcher on the ground of compromise and marriage between the parties, namely, the petitioner and opposite party No.2.
 3. Copy of the F.I.R. is at Anneuxre-1 and the same is perused by the Court.

4. In fact, on a report being received from opposite party No.2, Kaniha P.S. Case No. 182 of 2013 was registered under Section 363 IPC.

5. Learned counsel for the petitioner submits that the parties have married in the meantime and blessed with two children and it is claimed that marriage was solemnized at a temple in the year 2014 and while claiming so, learned counsel for the petitioner refers to a joint affidavit filed by the petitioner and opposite party No.2. The fact of marriage is admitted by learned counsel appearing for opposite party No.2 & 3. Mr. Mohapatra, learned counsel for the State confirms the marriage post settlement reached at between the parties as informed by the local P.S.

6. The parties are physically present in Court today. The petitioner and opposite party No.2 produced the original Aadhar Cards for the Court's perusal. On being asked, opposite party No.2 admits that she is married to the petitioner and staying with him as his wife and also blessed with two children.

7. The Court perused the joint affidavit dated 14th September, 2022 according to which the parties have married in the year 2014 and blessed with two sons and leading a happy conjugal life at present.

8. Considering the above facts and the fact that the parties are married, the Court is of the view that no fruitful purpose would be served to allow the criminal proceeding to continue before the court below as it would create more disturbance in their lives. In other words, in order to ensure peace and stability in the lives of the petitioner and opposite party No.2 in particular,

the proceeding which is pending before the court of learned SDJM, Talcher should be quashed.

9. The Court is aware of the settled position of law as laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675** and is of the opinion that it is a fit case where inherent jurisdiction should be exercised so as to terminate the proceeding pending between the parties pending before the court of learned SDJM, Talcher. In fact, after such union of the parties, no fruitful purpose would be served to allow continuance of the criminal proceeding.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed.

12. Consequently, the criminal proceeding in G.R. Case No. 128 of 2021 corresponding to G.R. Case No. 1364 of 2013 arising out of Kaniha P.S. Case No. 182 of 2013 pending in the court of learned SDJM, Talcher is hereby quashed.

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

(R.K. Pattanaik)
Judge