

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2029 of 2022

Jiban Jyoti Panda and Another Petitioner
Mr. D. Mohapatra, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. S.S. Mohapatra, ASC
Mr. P.K. Nayak, Advocate for O.P. No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
02.11.2022

Order
No.
03.

1. Heard learned counsel for the parties.
2. In the instant case, the petitioners have approached this Court for quashing of the order of cognizance dated 5th November, 2021 and also the entire criminal proceeding in G.R. Case No.2068 of 2020 pending in the file of learned S.D.J.M., Panposh, Rourkela on the ground of amicable settlement between the parties.
3. Learned counsel for the petitioners submits that in the meantime, there has been divorce between petitioner No.2 and opposite party No.2 and thereafter, the former married petitioner No.1 and both are leading a conjugal life. Under the above circumstances, learned counsel for the petitioners submits that no fruitful purpose would be served to allow the criminal proceeding pending before the learned court below and therefore, it should be quashed in the interest of justice. The fact of remarriage of petitioner No.2 post divorce obtained by her vis-à-vis opposite party No.2 is admitted by the latter and submits that there is no

objection if the criminal proceeding is quashed. The parties are present in person. The petitioners and well as opposite party No.2 admitted about the compromise. In fact, opposite party No.2 on being asked by the Court submits that there is a compromise.

4. An affidavit filed by opposite party No.2 is at Flag-B.

5. Mr. Mohapatra, learned ASC for the State submits that some of the offences are non-compoundable in nature and therefore, the proceeding should not be quashed even though there is compromise between both the sides.

6. Having regard to the nature of allegations and the fact that opposite party No.2 as husband lodged the FIR against the petitioners and has been divorced in the meantime and the petitioner No.2 has remarried thereafter to petitioner No.1 and considering the settlement reached at the fact which stands proved by the affidavit sworn by opposite party No.2, namely, informant, no worthy purpose would be served to allow the criminal proceeding before the court below to continue. The Court is of the view that in order to maintain peace and stability in the life of the respective parties, the litigation and the proceeding pending before the learned S.D.J.M. Panposh should be brought to an end. The Court is aware of the settled position of law as laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 with regard to exercise of inherent jurisdiction for the purpose of quashing of the criminal proceedings.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.2068 of 2020 arising out of Rourkela Sector-7 P.S. Case No.149 of 2020 pending in the file of learned S.D.J.M., Panposh, Rourkela is hereby quashed.

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

(R.K. Pattanaik)
Judge

TUDU

