

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5868 of 2014

Kuna Gochhayat

.... Petitioner
Mr. P.S. Nayak, Advocate

-Versus-

State of Odisha and others

.... Opposite Parties
Mr. S.N. Das, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.07.2022

Order
No.

06. 1. Heard learned counsel for the parties.
2. This is an application under Section 482 Cr.P.C filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.942 of 2013 arising out of Jarapada P.S. Case No.73 of 2013 pending in the file of learned S.D.J.M., Angul.
3. In compliance of the Court's order dated 15th July, 2022, the parties, namely, petitioner and opposite party No.2 have appeared in person and the victim, namely, opposite party No.2 filed an affidavit by stating that she has married the petitioner on 22nd May, 2013 and they are blessed with a male child. In support of such claim by opposite party No.2 that the child is born to them, a birth certificate (Annexure-B) has been produced and the same is perused by the Court.

4. In view of the presence of the parties and filling of an affidavit and considering the fact that they have married and living together since 2013 and blessed with a child in the year 2014, the Court is of the view that the criminal proceeding which is pending before the court below should be quashed in the interest of justice.

5. In fact, the Supreme Court time and again reiterated the principles for quashing of criminal proceedings in exercise of inherent jurisdiction under Section 482 Cr.P.C. whereby, it has been held and observed that offences which are non-compoundable in nature but disputes between parties essentially arises out of civil or matrimonial or similar nature of litigations, such jurisdiction may be exercised depending on the facts and circumstances of each particular case. Being alive to the above settled position of law laid down in plethora of decisions and more prominently in the judgment of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, the Court is of the opinion that the present case is one of such kind where inherent jurisdiction under Section 482 Cr.P.C. is required to be exercised having regard to the fact that the parties are married and settled in life and leading a happy and peaceful conjugal life.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.942 of 2013 pending in the court of learned S.D.J.M., Angul is hereby quashed.

(R.K. Pattanaik)
Judge