

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1343 OF 2021

Himangshu Sekhar Dey @ Himansu Dey

***..... Petitioner
Mr. Pravash Ch. Jena, Advocate***

-versus-

State of Odisha & Others

***..... Opposite Parties
Mr. D. Mund, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
09.05.2022**

**Order No.
02.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No. 207 of 1993 arising out of Bhograi P.S. Case No. 99 of 1993 on the file of the learned J.M.F.C., Jaleswar for committing offence inter alia under Section 366 of the I.P.C.
4. In the meanwhile, the informant has passed away, as stated at the Bar. Death Certificate filed in Court today is taken on record.
5. The victim-Opposite Party No.2 has filed an affidavit through her learned counsel stating inter alia that in the

meantime, she has entered into matrimony with the accused-petitioner and they have been blessed with two children.

6. It is further stated in the said affidavit, since her father was not agreeable to her relationship with the petitioner, F.I.R. was filed and she denied allegation of kidnapping. The relevant paragraph of the affidavit is quoted hereunder;

“ That since I without taking consent of my father proceeded with the petitioner, accordingly my father out of anger has lodged the F.I.R. in alleging against my husband/petitioner that he has been kidnapped me even if I have never been kidnapped ”

She has stated in the affidavit in Paragraph-6, which is quoted that she is no longer interested to proceed in the manner;

“That under the above back ground I am no more interested to proceed with the case in any manner whatsoever and if the entire criminal proceeding will be quashed/set aside as against my husband/petitioner then I have no objection at all.”

7. Learned counsel for the State submits that since there are two accused persons, the proceeding cannot be quashed since the other accused has not approached this Court.

8. Be that as it may, taking into account the affidavit of the informant-victim as above, this Court directs the criminal proceeding in G.R. Case No. 207 of 1993 arising out of Bhograi P.S. Case No. 99 of 1993 on the file of the learned J.M.F.C.,

Jaleswar, in respect of the petitioner stands quashed, in exercise of power under Section-482 Cr.P.C. in tune with the law laid down by the Apex Court in case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karkur and others v. State of Gujarat and another***, reported in ***AIR 2017 SCC 4843***.

9. The CRLMC accordingly stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

Balaram

