

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3222 of 2015

Narayana Sahu and others

....

Petitioners

Mr. Jagabandhu Sahu, Advocate

-Versus-

State of Odisha and another

....

Opposite Party

Mr. T.K. Praharaj, SC, OP No.1

Mr. Trilochan Nanda, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

08.09.2022

Order No.

04.

1. Heard learned counsel for the petitioners and learned counsel for the State and learned counsel for the opposite Party No.2.
2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner praying for quashing of the criminal proceeding in G.R. Case No.841 of 2012 pending in the court of learned S.D.J.M., Bolangir on the grounds stated therein.
3. Perused the FIR at Annexure-1, charge-sheet at Annexure-2 and the impugned order dated 18th December, 2012, which is at Annexure-3.
4. Learned counsel for the petitioners submits that they have settled the dispute between the parties and in the meantime there has been a dissolution of marriage by a decree of divorce passed in MAT Case No.03 of 2014 passed by the learned Judge, Family Court, Bolangir. In such view of the matter and parties are married after decree of divorce, the further proceeding in G.R. Case No.841 of 2012 should be quashed in the interest of justice.

5. Learned counsel for the opposite party No.2 produces an affidavit filed by the opposite party No.2 which be kept on record. By virtue of the said affidavit, she admits that the fact of settlement between the parties indicating therein that she does not have any objection if the criminal proceeding is quashed.

6. Having regard to the above facts and considering the submission of learned counsel for the opposite party No.2 and the affidavit filed regarding compromise and regarding settlement of the matter and the parties have now married after the decree of divorce in MAT Case No.03 of 2014, no useful purpose would be served in allowing the continuance of the criminal proceeding. It is a fit case where inherent jurisdiction under Section 482 Cr.P.C. should be exercised keeping in view the law laid down by the decision of the Hon'ble Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 held that such jurisdiction may be exercised by the High Court taking into account the facts and circumstances of the case to meet the ends of justice. Having said so, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised in order to ensure peace in the marital life of the parties. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed.

8. As a corollary, the proceeding G.R. Case No.841 of 2012 pending in the court of learned S.D.J.M., Bolangir is hereby quashed.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge