

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2185 of 2022

Minakshi Jena & Another

....

Petitioners

Mr. Banshidhar Baug, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr.S.S.Mohapatra,ASC

Mr. Kishore Ku.Mishra, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.09.2022

Order No.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners seeking to quash the order of cognizance i.e. Annexure-1 and also the entire proceeding in C.T. Case No. 3347 of 2022 arising out of Bharatpur P.S. Case No. 221 dated 31st May,2022 pending in the file of learned SDJM, Bhubaneswar on the ground that both of them have married and maintaining a happy conjugal life and therefore, the criminal proceeding before the court below should be brought to an end in exercise of the inherent jurisdiction of the Court in order to do substantial justice.
3. Perused the copy of the F.I.R. i.e. Annexure-1.

4. Learned counsel for the petitioners as well as the opposite party No.2 submits that there has been a compromise between the parties in the meantime and both are residing together and leading a happy marital life. In support of such a contention, an additional affidavit has been filed by opposite party No.2, namely, the wife. The Court perused the affidavit sworn by opposite party No.2 wherein she has stated about the amicable settlement/compromise between her and others and also about the fact that she has been staying with her husband happily and does not have an objection if the proceeding is quashed.

5. Considering the above facts and the fact that Bharatpur P.S. Case No. 221 has been registered under Sections 498-A/34 IPC and keeping in view the amicable settlement between the parties which stands supported by an affidavit filed by opposite party No.2 and recording the submissions of the learned counsels appearing for both the sides, the Court is of the humble opinion that in order to maintain peace in their conjugal life and being alive to the settled position of law as enunciated by the Supreme Court in **B.L.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein, it has been held that in situations like the present, the High Courts should exercise inherent jurisdiction under Section 482 of Cr.P.C. notwithstanding the fact that some of the offences are non-compoundable in nature and quash the criminal proceedings, it would be just and expedient in the interest of justice to terminate the proceeding in C.T. Case No. 3347 of 2022 and accordingly, it is ordered.

6. In the result, CRLMC application stands allowed. As a necessary corollary to the criminal proceeding in C.T. Case No. 3347 of 2022 arising out of Bharatpur P.S. Case No. 221 of 2022

pending in the court of learned SDJM, Bhubaneswar is hereby quashed.

7. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

kabita

