

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2275 of 2022

Basanta Kumar Kar and others Petitioners
Mr.Suryakanta Dwibedi, Advocate

-Versus-

Ajita Satpathy Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
07.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners.
 2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners praying for quashing of the proceeding in C.M.C. No.85 of 2016 pending in the file of learned S.D.J.M., Udala on the grounds stated therein.
 3. Perused the copies of the notices as at Annexure-1 series, copy of the show-cause as at Annexure-2 and a copy of the judgment, which is at Annexure-3.
 4. Learned counsel for the petitioners submits that the parties have obtained a decree of divorce dated 18th October, 2017 (Annexure-3) from the learned Civil Judge (Senior Division), Udala in Mat Suit No.60 of 2016, wherein, a direction was made to pay permanent alimony of Rs.5,00,000/- (Rupees Five lac). It is further submitted that pursuant to the above decree of divorce, an amount of Rs.8,00,000/- (Rupees Eight lac) has been paid to opposite party No.2

5. Learned counsel for opposite party No.2 submits that by virtue of the decree of the court concerned under Section 13 of the Hindu Marriage Act, 1955, permanent alimony has been paid to opposite party No.2. The fact of receipt of Rs.8,00,000/- by opposite party No.2 stands admitted by learned counsel appearing for her.

6. Having regard to the submissions of learned counsel for the parties and in view fact that there is decree of divorce between the petitioner and opposite party No.2, the Court is of the view that the further proceeding in CMC No.85 of 2016 pending in the file of learned S.D.J.M., Udala should be quashed.

7. The Court is aware of the settled position of law regarding termination of proceedings vis-à-vis the parties with civil and matrimonial disputes where the 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 Courts 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.

8. In the result, the CRLMC stands allowed. Consequently, the proceeding in CMC No.85 of 2016 pending in the file of learned S.D.J.M., Udala is hereby quashed.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K. Sahoo