

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.645 of 2015

Ajaya Kumar Patri

.... **Petitioner**
Mr. P.K. Parida, Advocate

-Versus-

State of Odisha and another

.... **Opposite Parties**
Mr. M. Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.07.2022

Order
No.

04. 1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for O.P.Nos.2 and 3.
2. Petition under Section 482 Cr.P.C. is filed by the petitioner husband for quashing of the order of cognizance dated 4th January, 2014 passed in G.R. Case No.1168 of 2012 pending in the file of learned S.D.J.M. (S), Cuttack on the grounds stated therein and also to drop the criminal proceeding.
3. The FIR was lodged by opposite party No.3, as a result of which, Mahila P.S. Case No. 133(9) dated 14th August, 2012 was registered under Sections 498-A and 506 read with 34 IPC and Section 4 of the Dowry Prohibition Act and thereafter, the charge sheet was filed consequent upon which the learned court below passed the impugned order dated 4th January, 2014 which is under challenge.
4. Learned counsel for the petitioner submits that parties have had a compromise and they are living separately after mutual divorce

by order of learned Sub-Judge-cum-A.S.J., Athagarh in MAT No.196 of 2014 filed under Section 13(B) of the Hindu Marriage Act, considering which, the criminal proceeding should be quashed. The learned counsel appearing for opposite party Nos.2 and 3 admits the above claim of the petitioner.

5. The Court perused the affidavit filed by the opposite party Nos.2 and 3 which are in record. The marriage between the petitioner and opposite party No.2 was solemnized in 2012 and sometime thereafter, FIR was lodged and then both approached the court of learned Civil Judge (S.D.), Athagarh seeking mutual divorce under Section 13(B) of the Hindu Marriage Act which was allowed by an order dated 6th December, 2014 and the marriage was accordingly dissolved by a decree.

6. In view of the above developments and separation and dissolution of marriage between the petitioner and opposite party No.2, the fact which is revealed from Annexure-3 (a copy of the order dated 6th December, 2014 in MAT No.196 of 2014), the Court is of the view that to ensure peace in the lives of the parties, who have legally separated by a decree, jurisdiction under Section 482 Cr.P.C. should be exercised in order to secure the ends of justice. In other words, it is a fit case where inherent jurisdiction of the Court should be exercised and accordingly, it is directed.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1168 of 2012 pending before the court of learned S.D.J.M(S), Cuttack is hereby quashed.

(R.K. Pattanaik)
Judge