

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2327 of 2022

Balaram Mallick and others

....

Petitioners

Mr. Gagan Bihari Singh, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Tapas Kumar Praharaj, SC for State, OP No.1

Mr. Deepak Kumar Sahoo, for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

04.11.2022

Order No.

- 04.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the opposite party No.2.
 2. Instant petition is filed by the petitioners quashing of the criminal proceeding in G.R. Case No.771 of 2020 arising out of Paradip Lock P.S. Case No.162 of 2020 pending in the file of learned J.M.F.C.(P), Kujanga on the ground of compromise.
 3. Perused the copy of the FIR as at Annexure-1.
 4. Basing on the written report of the informant, Paradip Lock P.S. Case No.162 of 2020 under Sections 366, 376(1), 313, 294, 323, 506 and 34 IPC was registered. Learned counsel for the petitioners submits that the victim, namely, opposite party No.2 is presently married and considering the same and as there has been a compromise between them, the criminal proceeding which is pending before the learned J.M.F.C.(P), Kujanga should be quashed

in the interest of justice, which is not objected by the learned counsel for opposite party No.2.

5. Mr. Praharaj, learned counsel for the State submits that the offences are not compoundable in nature and therefore, considering the gravity of the offences, the criminal proceeding should not be quashed.

6. The victim is present and produced her Aadhar card and the same is perused and on being asked, confirmed that she has married elsewhere. The affidavit filed by opposite party No.2 and therein she admitted about her marriage and that blessed with two children. It is submitted by learned counsel for opposite party No.2 that to preserve her social dignity, she is not interested to proceed with the matter and does not want the criminal proceeding against the petitioners. Notwithstanding the fact that offences under Section 376 IPC is non-compoundable in nature and in view of the decision of the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another (2003) 4 SCC 675**, wherein, it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances of a particular case, according to the Court, it is a fit case where such jurisdiction should be exercised to bring an end to the litigation and in order to restore peace and stability in the life of the victim. On a reading of the FIR as at Annexure-1, it reveals that the parties were known to each other and they were in relationship for long and when the marriage between the parties could not materialize, the FIR has been lodged.

7. Having regard to the above facts and considering the marriage of opposite party No.2 as presently she married to another person and leading a happy marital life with her husband and is blessed with two children, this Court is of the view that in the facts and circumstances of the case, inherent jurisdiction should be exercised to quash the proceeding. Accordingly, it is ordered.

8. Consequently, the criminal proceeding in G.R. Case No.771 of 2020 arising out of Paradip Lock P.S. Case No.162 of 2020 pending in the file of learned J.M.F.C.(P), Kujanga is hereby quashed.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

