

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2884 of 2019

Santosh Kumar Nayak and Others **Petitioners**
Mr. S.K. Pradhan, Advocate

-Versus-

State of Odisha and Another **Opposite Parties**
Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.10.2022

Order
No.
03.

1. Heard learned counsel for the petitioners and learned counsel for the State besides learned counsel for opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.131 of 2018 corresponding to Damanjodi P.S. Case No.14 of 2018 pending before the court of learned S.D.J.M., Koraput on account of compromise between the parties.
3. Learned counsel for the petitioners submits that petitioner No.1 is the husband and petitioner Nos.2 and 3 are the parents-in-law of opposite party No.2 and in the meantime, there has been a compromise between both the sides and considering the same and the fact that petitioner No.1 and opposite party No.2 have dissolved their marriage by approaching the Family Court latter having received permanent alimony to the tune of Rs.4 lac, no

fruitful purpose would be served to allow continuation of the criminal proceeding, therefore, it should be quashed in the interest of justice in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C.

4. Learned counsel for opposite party No.2 admits the fact of compromise and dissolution of marriage in C.P. No.59 of 2019 and hence, prays for quashing of the criminal proceeding on such ground. While claiming so, the learned counsel for the petitioners as well as opposite party No.2 refer to a copy of the judgment dated 17th December, 2019 which is at Annexure-A/2 to the counter affidavit to suggest that the learned Judge, Family Court, Dhenkanal in C.P. No.59 of 2019 has dissolved their marriage on mutual consent in terms of Section 13-B of the Hindu Marriage Act. In the counter affidavit, it is admitted by opposite party No.2 about the dissolution of marriage and acceptance of permanent alimony of Rs.4 lac and also stated that in view of such compromise and dissolution of marriage, the execution proceedings pending before court concerned have been withdrawn. It is thus contended by both the learned counsel appearing for the parties that in view of the separation and divorce having been obtained by petitioner No.1 and opposite party No.2 in C.P. No.59 of 2019, no worthy purpose would be served keeping the criminal proceeding alive and hence, therefore, it should be quashed.

5. The Court is alive to the settled position of law as laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 followed by plethora decisions, wherein, it has been held that in peculiar facts and

circumstances of a case especially when dispute is matrimonial or civil, jurisdiction under Section 482 Cr.P.C so also Article 226 of the Constitution may be exercised.

6. Considering the dissolution of marriage by judgment of the learned Family Court in C.P. No.59 of 2019 and settlement reached at between the parties to withdraw all the cases pending before the courts below and the fact that opposite party No.2 received permanent alimony as a result, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised to quash the proceeding.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.131 of 2018 corresponding to Damanjodi P.S. Case No.14 of 2018 pending in the file of learned S.D.J.M., Koraput is hereby quashed.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

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