

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3301 of 2016

Santosh Kumar Nayak @ Muna Petitioner
Mr. Prakash Kumar Mishra, Advocate

-Versus-

State of Odisha and others Opposite Parties
Mr. Manoranjan Mishra, ASC, O.P. No.1
Mr. P.P. Parida, Advocate for O.P. Nos.2 and 3

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.08.2022

Order No.

07.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. This petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the order of cognizance dated 2nd September, 2015 passed by the learned J.M.F.C., Narasinghpur in C.T. Case No.115 of 2015 arising out of Kanpur P.S. Case No.32 of 2015 on the grounds stated therein.
3. Perused the FIR as at Annexure-1 and other documents.
4. In fact, the petitioner has been charge-sheeted under Sections 363/366 of I.P.C. in the present case. The learned counsel for the petitioner submits that parties have married in the meantime and staying together as husband and wife and leading a happy conjugal life. It is further submitted that pursuant to the direction of this Court dated 29th July, 2022, the petitioner as well as the victim (opposite party No.3) are present in Court today along with copy

of their Aadhar cards in support of their identity proof. On enquiry, opposite party No.3 informs that she has married the petitioner and blessed with two children, one son and a daughter.

5. Learned counsel for the petitioner referring to the affidavits filed by opposite party Nos.2 and 3 reiterates the above fact. The Court perused the affidavit of opposite party no.3, who has claimed about her marriage with the petitioner and being blessed with a female child in the year 2016.

6. Having regard to the submissions of learned counsel for petitioner, State and taking into account the affidavits filed by opposite party Nos.2 and 3, the Court is of the view that no fruitful purpose would be served by allowing continuance of the criminal proceeding against the petitioner and therefore, in exercise of inherent jurisdiction, the proceeding pending before the court below should be quashed. The Court is conscious of the position of law settled in catena of judgments of the Supreme Court with regard to the exercise of jurisdiction under Section 482 Cr.P.C. and thus is of the view that it is a fit case for quashing of the order of cognizance.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in C.T. Case No.115 of 2015 arising out of Kanpur P.S. Case No.32 of 2015 pending in the court of learned J.M.F.C., Narasinghpur is hereby quashed.

(R.K. Pattanaik)
Judge