

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2565 of 2022

Satyajit Dash and another Petitioners
Mr. Ajaya Kumar Moharana, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. T.K. Praharaj, SC, OP No.1
Mr. Bholanath Sahu, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
10.10.2022

Order No.

01.

1. Mr. Bholanath Sahu, Advocate has entered appearance for opposite party No.2 and files his Vakalatnama along with an affidavit sworn by opposite party No.2 in Court today, which is taken on record.

2. The name of Mr. Sahu, learned counsel appearing for opposite party No.2 be reflected in the brief as well as in the cause list.

3. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.

4. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the FIR in Tirtol P.S. Case No.214 of 2022 as well as the criminal proceeding in G.R. Case No.196 of 2022 pending in the court of learned J.M.F.C., Tirtol on the ground of amicable settlement reached at between the parties.

5. Learned counsel for the petitioners submits that there has been a compromise between both the sides which is evident from

the copy of the affidavit as at Annexure-4. It is further submitted that the document styled as 'Aposha Bujhamana Patra', which is at Annexure-3 series also reveals the fact of compromise between petitioner No.1 and opposite party No.2 and considering the aforesaid development, the criminal proceeding which is pending before the learned court below should be quashed in the interest of justice.

6. Learned counsel for opposite party No.2 submits that in view of settlement between the parties under Annexure-3 series and Annexure-4, the parties have agreed to dissolve their marriage by a decree of mutual divorce.

7. Opposite party No.2 is present in person in Court today and on being asked, she confirms the fact of compromise and mutual settlement reached at between her and petitioner No.1. In support of her identity proof, opposite party No.2 produced original Aadhar Card for Court's perusal, which is found to be genuine. Learned counsel for opposite party No.2 submits that the father of opposite party No.2 is also present in Court today.

8. Considering the above facts and submissions of the learned counsel for the respective parties, the Court is of the view that in view of the settlement between petitioner No.1 and opposite party No.2 revealed from Annexure-3 series and Annexure-4 and since petitioner No.1 and opposite Party No.2 have decided to dissolve their marital relationship by approaching the Family Court, no fruitful purpose would then be served to allow the criminal proceeding to continue before the court below. In other words, the proceeding which is pending before the learned J.M.F.C., Tirtol in G.R. Case No.196 of 2022 should be quashed in exercise of inherent jurisdiction of this Court, which would serve the purpose instead. The Court is aware of the settled position of law with regard to quashment of criminal proceedings as set out by the Apex Court in

the case **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (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. Accordingly, this Court is of the view that since the matter has been amicably resolved between the parties who have decided to dissolve their marriage, the criminal proceeding should be quashed in the interest of justice. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed.

10. Consequently, the criminal proceeding in G.R. Case No.196 of 2022 arising out of Tirtol P.S. Case No.214 of 2022 pending in the court of learned J.M.F.C., Tirtol is hereby quashed for the reasons stated hereinabove.

11. Issue urgent certified copy as per rules.

