

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2612 of 2022

Geda Samal @ Pitambar Samal Petitioner
Mr. Rabi Narayan Mohanty, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr.T.K. Praharaj, SC, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
09.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party No.2.
2. Present proceeding is for quashing of the FIR in connection with Balipatna P.S. Case No.76 of 2016 corresponding to G.R. Case No.357 of 2016 pending in the court of learned J.M.F.C.(O), Bhubaneswar on the ground of compromise and marriage of the petitioner with the victim in the meantime.
3. A copy of the FIR at Annexure-1 is perused.
4. Opposite party No.2 has filed an affidavit of the year 2021 by stating that his daughter has got married to the petitioner and both are blessed with two children born in the year 2017 and 2021 respectively and at present, she is leading a happy conjugal life. Learned counsel for the petitioner and opposite party No.2 submits that since the parties have married and settled in life, the criminal proceeding pending before the learned J.M.F.C.(O), Bhubaneswar should be quashed in exercise of extra-ordinary jurisdiction under

Section 482 Cr.P.C. The parties are present in Court today. On being asked, the petitioner and the victim, namely, opposite party No.2 admit the fact of their marriage in 2017. The parties are physically present along with their children and also produced their identity proof as well as copies thereof with original Aadhar cards, which have been perused.

5. Mr. Praharaj, learned Standing Counsel for the State submits that some of the offences are not compoundable in nature and that apart, the investigation is not complete.

6. Considering the aforesaid development and compromise between the parties and since both the parties are leading a happy conjugal life and have been blessed with two children, the Court is of the view that the criminal proceeding pending before the learned court below should be quashed in the interest of justice.

7. The Court is aware of the decision of the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in **(2003) 4 SCC 675** which is with regard to exercise of inherent jurisdiction of this Court to quash the criminal proceeding. The Court is of the conclusion that since the parties have settled their dispute peacefully and leading a happy conjugal life, the proceeding pending before the learned court below in G.R. Case No.357 of 2016 should be brought to an end or else it would cause more disturbance in their life. In other words, it is a fit case where the jurisdiction of the Court should be exercised to quash the proceeding notwithstanding pendency of investigation and offences to be non-compoundable in nature.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed.

10. Consequently, the criminal proceeding in Balipatna P.S. Case No.76 of 2016 corresponding to G.R. Case No.357 of 2016

pending in the court of learned J.M.F.C.(O), Bhubaneswar is hereby quashed.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

