

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2664 of 2022

Sushant Mohapatra and others Petitioners
Mr. Napoleon Sahani, Advocate

-Versus-

State of Orissa and another Opposite Parties
Mr. T.K. Praharaj, SC, OP No.1
Mr. K. Pradhan, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
15.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel appearing for opposite party No.2.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners quashing of the criminal proceeding in connection with G.R. Case No.311 of 2022 arising out of Chandpur P.S. Case No.116 of 2022 pending in the file of learned J.M.F.C., Ranpur on the ground of compromise and reunion of the parties.
 3. In fact, at the instance of opposite party No2, a report was lodged, consequent upon which, Chandpur P.S. Case No.116 of 2022 was registered under Sections 498-A and other allied offences besides Section 4 of D.P. Act.

4. Learned counsel for the petitioners submits that there has been a compromise between petitioner No.1 and opposite party No.2 who are husband and wife respectively and on account of such amicable settlement, both are staying together and leading a happy conjugal life and considering the aforesaid development, the criminal proceeding which is pending before the learned J.M.F.C., Ranpur should be quashed in the interest of justice.

5. Learned counsel for opposite party No.2 admits the fact of compromise and settlement reached at between the petitioners and opposite party No.2 and supports the contention of the learned counsel for the petitioners for quashing of the criminal proceeding.

6. Petitioner No.1 and opposite party No.2 are physically present in Court today with their identity proof, such as, original Aadhar cards and on being asked, opposite party No.2, namely, informant claimed that there has been a compromise and she is presently staying with petitioner No.1 and leading a happy marital life.

7. Mr. Praharaj, learned Standing Counsel for the State offers an objection on the ground that some of the offences are not compoundable in nature and therefore, inherent jurisdiction under Section 482 Cr.P.C. should not be allowed.

8. An affidavit is filed today in Court by opposite party No.2 wherein she has also claimed about the settlement and now residing with petitioner No.1 and her in-laws and there is cordial relationship between them which has also been restored between the families. Opposite party No.2 further stated therein that in the event the criminal proceeding which has been initiated against the petitioners is quashed, she would have no objection.

9. Considering the above facts and evidence that they live together as spouses and leading the happy conjugal life, which is

clearly evident from the affidavit, the Court is of the view that on account of settlement reached at between the parties, no useful purpose would be served in the continuance of the criminal proceeding and therefore, such criminal action should be terminated in order to restore peace and stability in the lives of opposite party No.2 and petitioner No.1 and while taking such a decision, this Court refers to the law laid down 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 even where the offences are non-compoundable. Accordingly, it is ordered.

10. Consequently, the CRLMC stands disposed of.
11. Consequently, the criminal proceeding in G.R. Case No.311 of 2022 arising out of Chandapur P.S. Case No.116 of 2021 pending in the court of learned J.M.F.C., Ranpur is hereby quashed.
12. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge