

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2806 of 2022

Aditya Kumar Pattnaik and Others

....

Petitioners

Mr. Manas Chand, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.11.2022

Order No.

03.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition is filed at the behest of the petitioners for quashing of the criminal proceeding in G.R. Case No.934 of 2019 arising out of Berhampur Town P.S. Case No.131 of 2019 pending in the file of learned S.D.J.M., Berhampur on the ground of compromise and settlement reached at between the parties, more particularly, petitioner No.1 and opposite party No.2.
3. Mr. Chand, learned counsel for the petitioners submits that the parties have settled the matter and in the meantime, petitioner No.1 and opposite party No.2 have approached the learned Judge, Family Court, Berhampur for dissolution of their marriage and under the above circumstances, no fruitful purpose would be served to keep the proceeding pending before the learned court below

alive and hence, in exercise of the Court's extra-ordinary jurisdiction under Section 482 Cr.P.C., the proceeding should be quashed in the interest of justice.

4. Learned counsel for opposite party No.2 is present and he confirms the fact of compromise between the parties.

5. Mr.S.S.Mohapatra, learned ASC for the State offers objection against quashing of the proceeding as some of the offences are not compoundable in nature including Section 307 IPC and therefore, the jurisdiction under Section 482 should not be exercised.

6. Petitioner No.1 and opposite party No.2 are present in Court through virtual mode. On being asked, opposite party No.2 namely, informant submits that she does not have any objection in the event, the criminal proceeding in connection with G.R. Case No.934 of 2019 corresponding to Berhampur Town P.S. Case No.131 of 2019 pending in the file of learned S.D.J.M., Berhampur is quashed.

7. Mr. Chand, learned counsel for the petitioners submits that petitioner No.1 and petitioner No.2 have sorted out differences by reaching at a settlement and have approached the learned Judge, Family Court, Berhampur in C.P. No.229 of 2022 for dissolution of their marriage, which is pending disposal. It is also submitted that the parties have filed joint affidavits, which are gone through by the Court. A copy of the cheque amount for Rs.2,50,000/- (Rupees Two lakhs fifty thousand) said to have been paid to opposite party No.2 is produced, which has also been perused by this Court. It is claimed by Mr. Chand, learned counsel for the petitioners and confirmed by opposite party No.2 that the said amount has been received by her towards full and final settlement. It is further

submitted by both the parties that the matter with regard to dissolution of marriage is subjudice before the learned Judge, Family Court, Berhampur.

8. Considering the aforesaid development and the fact that since the parties have decided to dissolve their marriage and approached the learned Judge, Family Court, Berhampur in the meantime and keeping in view the spirit of law and principle laid down by the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein, it has been observed that inherent jurisdiction may be exercised notwithstanding the fact that some of the offences are non-compoundable in nature for the purpose of quashing of the criminal proceedings, the Court is of the view that it is a fit case where such jurisdiction should be exercised to quash the proceeding in order to restore peace and stability in the respective life of the parties. In other words, the Court is inclined to quash the criminal proceeding in G.R. Case No.934 of 2019.

9. Accordingly, it is ordered.

10. Consequently, the CRLMC stands allowed.

11. As a necessary corollary, the criminal proceeding pending before the learned S.D.J.M., Berhampur in G.R. Case No.934 of 2019 arising out of Berhampur Town P.S. Case No.131 of 2019 is hereby quashed.

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

(R.K. Pattanaik)
Judge