

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2842 of 2022

Supratap Nayak & Another

....

Petitioner

Mr. Manasi Mohapatra, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

Mr. P.K.Pradhan, Advocate for O.P.No.3

None appears for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.3. None appears for opposite party No.2. Notice as against opposite party No.2 has not yet returned.
 2. The present challenge is as to the criminal proceeding in Special Case No. 141/118 of 2016 arising out of Soro P.S. Case No. 78 of 2016 pending in the file of learned Special Judge, Balasore.
 3. Perused a copy of the F.I.R. which is at Annexure-1.
 4. Learned counsel for the petitioners submits that petitioner No.1 and opposite party No.3 have already married in the meantime and both are staying together and blessed with a child and since leading a happy marital life, the criminal proceeding pending before

the learned Special court should be quashed in the interest of justice. While claiming so, learned counsel for the petitioners refers to an affidavit filed by opposite party No.3 as at flag-B and the same is perused.

5. Mr. Mishra, learned counsel for the State submits that the offences are not compoundable in nature and that apart, one of the offences is under Section 6 of POCSO Act and therefore, the criminal proceeding should not be quashed.

6. Learned counsel for opposite party No.3 submits that in view of the marriage between the parties and considering the age of the victim at the time of recording of her statement under Section 161 Cr.P.C. claimed to be 18 years and the fact that at present, the parties are leading a happy marital life, opposite party No.3 does not have an objection, if the criminal proceeding is terminated.

7. Petitioner No.1 and opposite party No.3 are present in Court and claims about marriage and both submitted their original Aadhar Cards. On being asked, opposite party No.3 claimed that she is married to petitioner No.1 and both are staying together as spouses.

8. Having regard to the aforesaid development and notwithstanding the fact that the offences are non-compoundable in nature, the Court in view of the settled position of law laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675** is inclined to exercise its inherent jurisdiction under Section 482 of Cr.P.C. to quash the proceeding which would be in the best interest of the parties. The Court is of the opinion that it is a fit case where such jurisdiction should be exercised so as to terminate the proceeding pending between the parties before the court of learned

Special Judge, Balasore. In fact, after such a settlement inter se parties, no fruitful purpose would be served to allow continuance of the criminal proceeding and hence, it should be quashed.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed.

11. As a consequence, the criminal proceeding in Special Case No. 141/118 of 2016 arising out of Soro P.S. Case No. 78 of 2016 pending in the file of learned Special Judge, Balasore is hereby quashed.

12. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

