

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1836 of 2021

Santanu Kumar Barik and others Petitioners
Mr. Jagabandhu Sahu, Advocate

-Versus-

State of Odisha and another Opposite Party
Mr. S.S. Mohapatra, ASC, OP No.1
Mr. A.K. Parida, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

Order No.

- 05.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2
 2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.297 of 2015 arising out of Balangir Town P.S. Case No.129 of 2015 pending in the court of learned S.D.J.M., Balangir on the ground of compromise entered into between the parties.
 3. Perused the copy of the FIR at Annexure-1, copy of the charge-sheet as at Annexure-2 and other connected documents at Annexure-3 and copy of the mutual petition and certified copy of decree dated 24th September, 2019 which are at Annexures-4 and 5 respectively.
 4. Learned counsel for the petitioners submits that there has been an amicable settlement between the parties and in fact both have approached the learned Judge, Family Court, Bhawanipatna in

C.P. No.35 of 2015 wherein a decree of divorce was passed under Annexure-5.

5. Learned counsel for opposite party No.2 confirms about the compromise between the parties in terms of the decree of divorce passed in C.P. No.35 of 2015 by the learned Judge, Family Court, Bhawanipatna.

6. Mr.Mohapatra, learned Additional Standing Counsel for the State submits that he has no upto-date instruction and if the decree of divorce has been passed and the Court may pass appropriate order in that regard.

7. It is apprised to the Court that opposite party No.2 has filed an affidavit on 9th September, 2022.

8. Having regard to the above facts, petitioner No.1 and opposite party No.2 having reached at a settlement along with others and a mutual decree of divorce in C.P. No.35 of 2015 was also passed, no useful purpose would be served in allowing continuance of criminal proceeding further. The Court is aware of the settled position of law regarding termination of proceedings vis-à-vis the parties involved in civil and matrimonial disputes where the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 held that such jurisdiction may be exercised by the High Courts taking into account the facts and circumstances of the case to meet the ends of justice. Having said so, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised in order to ensure peace and stability in the lives of the parties post dissolution of their marriage. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.297 of 2015 arising out of

Balangir Town P.S. Case No.129 of 2015 pending in the court of learned S.D.J.M., Balangir is hereby quashed.

10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

