

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1819 of 2021

Sadananda Behera

.... ***Petitioner***
Mr. B.N.Dsh, Advocate

-versus-

Nandita Sethi

.... ***Opposite Party***
Mr. N.Behuria, Advocate

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.02.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The present application has been filed under Article 227 of the Constitution of India to quash the D.V. Criminal Case No.133 of 2014 and Execution Case No. 13 of 2017 and 344 of 2019 now pending in the Court of the learned S.D.J.M. (S), Cuttack. The aforesaid proceedings were initiated under section 12 of the Protection of Women from Domestic Violence Act.
3. Heard Mr.B.N.Dash, learned counsel for the Petitioner and Mr.N.Behuria, learned counsel appearing for the Opposite party.
4. It is submitted by the learned counsel for both the parties that the matter has been amicably settled between the parties and accordingly they have filed C.P.No.205 of 2021 in the Court of the Family Judge, Bhadrak under Section 13(B) of Hindu Marriage Act, 1955 for dissolution of marriage on mutual consent. It is further submitted by them that the aforesaid C.P. was filed pursuant to a compromise

between the parties whereunder the parties have agreed for a mutual divorce on payment of permanent alimony of Rs.4,00,000/- to the Opposite party by the Petitioner in addition to a sum of Rs.12,80,000/- paid earlier. It is further submitted that in Paragraph-9 of the said joint petition under section 13-B of the H.M.Act, it has been specifically agreed by the parties that no party will initiate any criminal or civil proceedings against the other party or relative of the party in any court of law. It is stated in Paragraph-12 of the said petition which is filed along with Annexure-3 that the parties have agreed to dispose of the pending criminal cases in terms of the compromise arrived at between them.

5. In such view of the matter, nothing remains to be adjudicated by this Court in the present proceeding. Therefore, the present CRLMP is disposed of with a direction to both the parties to file proper application before the forums where the matter under challenge in the present CRLMP are pending for disposal/withdrawal/compounding/closure of such proceedings in terms of the compromise arrived at between the parties. Further, the learned courts below are also directed that in the event any such application is filed, the same shall be considered in accordance with law and necessary orders be passed keeping in view the settlement/compromise arrived at between the parties.

6. With the aforesaid observation the CRLMP is disposed of.

7. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge