

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2957 of 2022

Rudra Narayan Behera and others Petitioners
Mr. Bhabani Sankar Mishra, Advocate

-Versus-

State of Orissa and another Opposite Parties
Mr. T.K. Praharaj, S.C., OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
15.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.496 of 2021 arising out of Tangarpali P.S. Case No.96 of 2021 pending in the court of learned J.M.F.C.(R), Rourkela on the ground of amicable settlement between the parties with intervention of well-wishers of both the sides.
 3. A copy of the FIR is at Annexure-1 and the same is perused.
 4. In fact, opposite party No.1, namely, informant lodged an FIR against her husband, namely, petitioner No.1 and in-laws alleging ill-treatment, as a result of which, Tangarpali P.S. Case No.96 of 2021 was registered under Sections 498-A and other allied offences along with Section 4 of D.P. Act.

5. Learned counsel for the petitioners submits that there has been a compromise and settlement between the parties in the meantime and at present, opposite party No.2 is residing with petitioner No.1 and both are leading a happy conjugal life and considering the same, the criminal proceeding pending before the learned court below should be quashed. While claiming so, learned counsel for the petitioner refers to the affidavit filed by opposite party No.2, which is at Flag-B.

6. Learned counsel for opposite party No.2 admits the fact of compromise and claims that there is a settlement between petitioner No.1 and opposite party No.2 and both are living a peaceful life.

7. Petitioner No.1 and opposite party No.2 are physically present in Court today along with their identity proof, such as, original Aadhar cards and the same are perused. On being enquired, opposite party No.2 confirmed the fact of compromise and claimed that she is presently staying with petitioner No.1 in his house and leading a happy conjugal life.

8. The Court perused the affidavit of opposite party No.2 wherein it is stated that the parties have resolved their dispute with the intervention of local gentries and well-wishers and does not want to proceed against the petitioner.

9. Mr. Praharaj, learned counsel for the State offers an objection against quashing of the criminal proceeding in view of the fact that some of the offences are not compoundable in nature.

10. In view of the above settlement reached at between the parties and as both opposite party No.2 and petitioner No.1 are living together as spouses, the Court is of the considered view that the proceeding which is pending before the learned J.M.F.C.(R), Rourkela, should be quashed in the interest of justice keeping in view the law laid down by the Apex Court in the case **B.S. Joshi and others Vrs. State of Haryana & Another (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. The present case is of such nature where jurisdiction should be exercised by the Court to terminate the proceeding in the best interest of the parties. Accordingly, it is ordered.

11. Consequently, the CRLMC stands disposed of.

12. In the result, the criminal proceeding in G.R. Case No.496 of 2021 arising out of Tangarpali P.S. Case No.96 of 2021 pending in the court of learned J.M.F.C.(R), Rourkela is hereby quashed.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

