

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1957 OF 2021

Raushan Kumar @ Raushan Poddar

***..... Petitioner
Mr. S.R. Das, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. D.Mund, AGA
Mr. S. R. Ojha, counsel for the
informant-Opposite Party No.2***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
11.05.2022**

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S.R. Das, learned counsel for the petitioner, Mr. D. Mund, learned Additional Government Advocate for the State and Mr. S.R. Ojha, learned counsel appearing for the informant-Opposite Party No.2.
3. The informant duly identified by the counsel filed an affidavit indicating inter alia that she was in relationship with the accused-petitioner and in the meanwhile the dispute has been amicably settled between the parties inter se and she has married someone else and leading happy conjugal life. The recitals in the Affidavit are extracted hereunder;

“I, Rajani Sethi, aged about 22 years, D/o. Arjun Sethi, residing at LI 115, Chhend, Rourkela, P.S.-Raghunathpalli, Dist- Sundargarh, do hereby solemnly affirm and state as follows:-

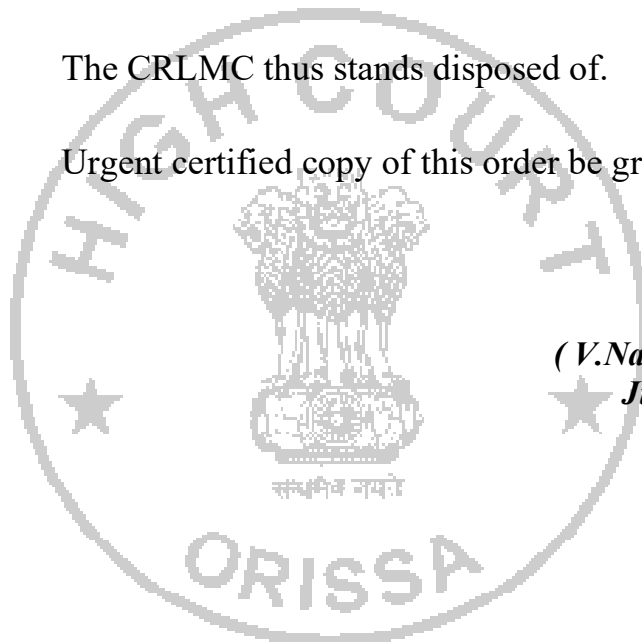
- 1. That I am the Opp. Party No.2 in the aforesaid case.*
- 2. That I had lodged the F.I.R. against the present petitioner in Chhend Police Station for the alleged offence U/s.376(2)(n) of I.P.C.*
- 3. That, admittedly we both are major and had love affairs, but due to certain disturbance and mis-understanding between our family our marriage could not be solemnized.*
- 4. That with the help of our family members the matter has been amicably settled between us and I am no longer interested to pursue the case anymore against the petitioner.*
- 5. That without any pressure I am swearing this affidavit and I intends to resolve the dispute between us forever. And both of us will lead our life separately.*
- 6. That, I would have no objection if the petitioner got married elsewhere. And as now I am also married and was leading a peaceful conjugal life with my husband. I do not want to proceed with the case any further and with mutual consent we both want to live our life separately forever and resolve the dispute between us.*
- 7. That, the facts stated above are true and correct to the best of my knowledge and belief. ”*

4. Taking note of the submission of the learned counsel for petitioner and the informant and the recitals in the affidavit extracted herein above and in the light of the judgments of the Apex Court cited at the Bar namely ***AIR 2013 SC 2071*** in the case of ***Deepak Gulati v. State of Haryana*** and in case of ***Dr. Dhruvaram Murlidhar Sonar v. The state of Maharashtra & Ors.*** reported in ***2018 SCC Online SC 3100***, and since in the given fact scenario continuance of the criminal proceeding would

be an exercise in futility, this Court in exercise of Power under Section 482 Cr.P.C., in tune with the law laid down by the Apex Court in case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karkur and others v. State of Gujarat and another***, reported in ***AIR 2017 SCC 4843***, the proceeding in connection with G.R. Case No.136 of 2020 on the file of Learned S.D.J.M., Panposh, arising out of Chhend P.S. Case No. 06 of 2020 stands quashed in respect of the petitioner.

5. The CRLMC thus stands disposed of.
6. Urgent certified copy of this order be granted as per rule.

Balaram



(V.Narasingh)
Judge