

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3101 of 2022

Santosh Bhol

....
Petitioner
Mr. B.K. Mishra, Advocate

-Versus-

State of Odisha and Another

....
Opposite Parties
Mr. S.S. Mohapatra, ASC
Mr. B. Mishra, Advocate for O.P. No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
03.11.2022

Order
No.
02.

1. Heard learned counsel for the parties.
2. Present challenge is as to the continuation of the criminal proceeding in connection with T.C. Case No.253 of 2021 arising out of Jankia P.S. Case No.111 of 2021 pending in the file of learned Additional Sessions Judge-cum-Special Judge, POCSO, Bhubaneswar, (Circuit Court at Khurda) on the ground of compromise and marriage between the parties.
3. A copy of the FIR as at Annexure-1 is perused by the Court.
4. A copy of the chargesheet as at Annexure2 is also perused which indicates that the petitioner has been chargesheeted for the offences punishable under Section 376(2)(n) IPC and other allied offences beside under the POCSO Act.
5. Learned counsel for the petitioner submits that the petitioner has married the victim in the meantime and the same is supported by the certificate issued by the Marriage Officer, Tangi, a copy which is at Annexure-3 for the Court's perusal. It is further submitted that since the marriage has already taken place on 27th

July, 2022 at a temple and subsequently registered before the Marriage Officer, Tangi on 18th October, 2022, no fruitful purpose would be served to allow the criminal proceeding to continue and therefore, it should be quashed in the interest of justice which is also proposed by the learned counsel for opposite party No.2.

6. Mr. Praharaj, learned counsel for the State, however, submits that the offences are non-compoundable in nature and therefore, the criminal should be quashed.

7. The parties, namely, the petitioner and opposite party No.2 are physically present in Court today along with their original Aadhar cards in proof of identification and the same are perused by the Court.

8. On being asked, opposite party No.2 submits that she is married to the petitioner which was solemnized in the month of July, 2022.

9. Today in Court, an affidavit is filed by the learned counsel for opposite party No.2 sworn by the victim herself and therein she also mentioned about the marriage having taken place on 27th July, 2022 and thereafter the same was registered before the Marriage Officer in the month of October, 2022. According to opposite party No.2 since there is marriage and she is staying with the petitioner and leading a blissful marital life does not have any objection if the proceeding is quashed.

10. Having regard to the above facts and recent development as to the marriage of the victim with the petitioner and that both are residing together and leading a peaceful marital life, the Court is of the view that the proceeding which is pending before the learned court below in T.R. Case No.253 of 2021 should be quashed. In fact

the Court is aware of the settled position of law as laid down by Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675**, wherein, the jurisdiction under Section 482 Cr.P.C. and its exercise to quash the criminal proceeding has been discussed with a conclusion that even though the offences are non-compoundable in nature, such jurisdiction may be exercised in order to secure ends of justice. In view of the legal position as pointed out and having regard to the marriage between the parties and leading a peaceful marital life at present, the Court reiterates its view that the criminal proceeding in T.R. Case No.253 of 2021 should be brought to an end to close the litigation for ever.

11. Accordingly, it is ordered.

12. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in T.R. Case No.253 of 2021 arising out of Jankia P.S. Case No.111 of 2021 pending in the file of learned Additional Sessions Judge-cum-Special Judge, POCSO, Bhubaneswar, (Circuit Court at Khurda) is hereby quashed.

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

(R.K. Pattanaik)
Judge