

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3129 of 2022

Sanyashi Singh and another

....

Petitioners

Mr. Jagabandhu Sahu, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Sitikanta Mishra, ASC, OP No.1

Mr. Akshaya Kumar Sahoo, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.11.2022

Order No.

03.

1. Heard learned counsel for the respective parties.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with Spl. G.R. Case No.190 of 2022 arising out of Sundargarh Sadar P.S. Case No.267 of 2022 pending in the file of learned Additional Sessions Judge-cum-PO (POCSO), Sundargarh on the ground of compromise and marriage between petitioner No.1 and opposite party No.2, namely, victim.
3. A copy of the FIR is at Annexure-1 and the same is perused by the Court. In fact, the FIR was lodged by the informant which was registered as Sundargarh Sadar P.S. Case No.267 of 2022 under Sections 294, 313, 376(2)(n), 506, 34 IPC and Section 6 of POCSO Act, 2012.

4. Learned counsel for the petitioner submits that in the meantime, there has been a compromise and settlement reached at between the parties and the marriage between the petitioner No.1 and Opposite Party No.2 took place and while claiming so, the original Marriage Certificate along with copy of the same are produced in Court which have been perused. In view of the aforesaid development, it is submitted that the criminal proceeding pending before the learned court below should be quashed in the interest of justice.

5. Learned counsel for opposite party No.2 admits the fact of marriage between petitioner No.1 and opposite party No.2.

6. Both petitioner No.1 and opposite party No.2 are physically present in Court. On being asked, petitioner No.2 namely, informant confirms the marriage between them. A joint affidavit by both the parties have been filed and the same is perused by this Court. It is evident from the Marriage Certificate that both have solemnized their marriage on 21st November, 2022 before the Marriage Officer, Sundargarh.

7. Mr. Mishra, learned counsel for the State on the other hand objects to the quashing of the criminal proceeding.

8. Considering the joint affidavit and the materials on record to show that petitioner No.1 and opposite party No.2 have married elsewhere and settled in their life and the fact of marriage has been claimed on the strength of Marriage Certificate, the Court is of the opinion that in order to restore peace and stability in the lives of the parties, the proceeding which is pending before the court below should be quashed by taking recourse to the decision of the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (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. According to the Court, it is a fit case where inherent jurisdiction should be exercised to bring an end to the litigation in order to restore peace and stability in the respective life of the parties.

9. Having regard to the above facts and considering the marriage of opposite party No.2 as presently she is married to another person and leading a happy marital life with her husband and even blessed with two children, the Court is of the view that in the facts and circumstances of the case, inherent jurisdiction should be exercised to quash the proceeding notwithstanding the fact that some of the offences are non-compoundable in nature. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in Spl. G.R. Case No.190 of 2022 arising out of Sundargarh Sadar P.S. Case No.267 of 2022 pending in the file of learned Additional Sessions Judge-cum-PO (POCSO), Sundargarh is hereby quashed.

11. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo