

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3162 of 2022

Rizwana Perween@ Rejuana Bibi &
others

....

Petitioners

Mr. A.R.Panda, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
17.11.2022

Order No.

02.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners challenging the criminal proceeding in C.T. Case No. 607 of 2018 corresponding to Dharmasala P.S. Case No. 184 of 2018 pending in the court of learned J.M.F.C., Chandikhole on the ground of compromise.
3. Perused a copy of the F.I.R. which is at Annexure-1 and also the copy of chargesheet as at Annexure-2.
4. The petitioners as per Annexure-2 stand chargesheeted under Section 498(A) & 307 IPC besides other offences and Section 4 of the D.P.Act.

5. Learned counsel for the petitioners as well as learned counsel for opposite party No.3 submits that there has been a compromise and amicable settlement reached at between the parties and at present, petitioner No.7 and opposite party No.3, namely, the informant are residing together and leading a happy marital life and considering the aforesaid development, the criminal proceeding pending before the learned court below should be quashed in the interest of justice.

6. While claiming so, learned counsel for the petitioners refers to the affidavit filed by the informant as well as the victim. As per the affidavit filed by opposite party No.2 & 3, it appears that there has been amicable settlement between the parties and petitioner No.7 and opposite party No.3 are living peacefully as spouses and leading a happy conjugal without any disturbance by both claiming that they do not have any objection if the criminal proceeding is quashed on such ground.

7. Mr. Mishra, learned counsel for the State-opposite party No.1 objected to quashing of the criminal proceeding on the ground that some of the offences are non-compoundable in nature.

8. The informant, namely, opposite party No.2, victim, namely, opposite party No.3 besides petitioner Nos. 1,3,4 & 5 are physically present in Court today along with their identity proof. In fact, opposite party Nos. 2 & 3 submitted their original Aadhar Cards where as the copies of the Aadhar cards have been produced by the in-laws namely, petitioner Nos. 1,3,4 & 5.

9. On being asked, opposite party No.3 submits that she is presently staying with her husband, namely, petitioner No.7 after a settlement

reached at and leading a happy marital life and claimed that she does not have any objection, if the criminal proceeding is quashed.

10. Having regard to the aforesaid development, presence of parties in Court claiming compromise and considering the affidavit filed by opposite party Nos. 2 & 3 and in view of the settled position of law as laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675** wherein it has been held that inherent jurisdiction under Section 482 Cr.P.C. may be exercised for quashing of the criminal proceedings in similar situations, it is of the logical conclusion that since there is a compromise and parties are staying together after such settlement, no fruitful purpose would be served to allow the continuation of the criminal proceeding before the court of learned JMFC, Chandikhole which therefore, should be brought to an end and terminated.

11. Accordingly, it is ordered.

12. In the result, CRLMC stands allowed.

13. Consequently, the criminal proceeding in C.T. Case No. 607 of 2018 corresponding to Dharmasala P.S. Case No. 184 of 2018 pending in the court of learned J.M.F.C., Chandikhole is hereby quashed.

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

(R.K. Pattanaik)
Judge