

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 3211 of 2022

1. Anup Kumar Sharma **Petitioners**
2. Shri Mahesh Kumar Sharma
3. Smt. Puspa Devi Sharma

Ms. R. Rajgarhia, Advocate

Versus

1. State of Orissa **Opposite Parties**
2. Asha Mishra @ Asha Sharma

Mr. D. Nayak, AGA
(For O.P. No.1)

Mr. M.N. Das, Advocate
(For O.P. No.2)

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.12.2022

Order No.

02.

(Through hybrid mode)

1. This application under Section 482 Cr. P.C. has been filed by the petitioner for quashing the Cuttack Mahila P.S. Case No. 110 of 2019 corresponding to G.R. Case No. 1796 of 2019 pending in the court of learned S.D.J.M. (S), Cuttack for commission of offences under Sections 498 (A), 323, 294, 34 of I.P.C. and Section 4 of the Dowry Prohibition Act, 1961.

2. Petitioner No.1 is the husband and petitioner nos.2 and 3 are the parents in law of the opposite party no.2. The petitioner no. 1 and opposite party no.2 are present in person in Court today. Opposite party no.2- Asha Mishra @ Asha Sharma has filed an affidavit dated 7.12.2022 in this case sworn before the Oath Commissioner, High

Court of Orissa where she has inter alia stated that she has no objection if this petition is allowed and submits that the case has been amicably settled and she does not want to proceed with the case.

3. Learned counsels for the petitioners and opposite party no.2 submit that Cuttack Mahila P.S. Case No. 110 of 2019 had been registered against the petitioners on account of F.I.R. lodged by the opposite party no.2. But in the meantime, due to intervention of the family members and well wishers on 19.10.2022, petitioner No.1 and opposite party No.2 have sorted out their differences and have reached a compromise, which forms a part of this petition at Annexure-3. Annexure-3 is a compromise petition filed in C.P. No. 25 of 2021 for passing of a decree of divorce in terms of the compromise. It has been stated in paragraph 5 (c) as follows:-

“c. That, any complaint or all other complaints/cases, if filed by either party or his/here family members shall be treated as withdrawn/closed. The Petitioner and the respondent undertake that they shall co-operate with each other in all respect in the present legal proceeding and so also in withdrawing or quashing of other cases which have been filed against each other and appear before the concerned court for early disposal of the same.”

4. Mr D. Nayak, learned Additional Government Advocate, submits that as this is a matrimonial dispute, which has been amicably settled, appropriate orders in the interest of justice may be passed.

5. As the matrimonial dispute between the parties has been amicably settled, keeping in mind the decision of the Supreme Court

in the case of ***B.S Joshi and others vs State of Haryana*** reported in ***(2003) 4 SCC 675*** and in the case of ***Gian Singh vs State of Punjab (2012) 10 SCC 303***, the proceedings in Cuttack Mahila P.S. Case No. 110 of 2019 corresponding to G.R. Case No. 1796 of 2019 pending in the court of learned S.D.J.M. (S), Cuttack against the petitioners are quashed.

6. The CRLMC is accordingly allowed.

Urgent certified copy of the order be granted on proper application

puspa

