

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3267 of 2022

Mantu @ Rajkishore Sanyashi and
Another

....

Petitioners

Mr. Vijaya Kar, Advocate

-Versus-

State of Orissa and Others

....

Opposite Parties

Mr.S.S. Mohapatra, ASC, OP No.1

Mr. Debadutta Sahoo, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.12.2022

Order No.

02.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
2. Prayer in the present case is to quash the entire proceeding in G.R. Case No.30 of 2013 pending in the court of learned Civil Judge-cum-J.M.F.C., Bheden on the ground of compromise and marriage between petitioner No.1 and opposite Party No.3.
3. Learned counsel for the petitioners and opposite party Nos.2 and 3 submit that the parties have married and settled in their life and leading a happy conjugal life and even blessed with two children and considering the same, the criminal proceeding pending before the court below should be quashed in the interest of justice.
4. Both the parties are present in Court today along with their identity proof, such as, original Aadhar cards, which have been perused by this Court.

5. A joint affidavit is filed at the instance of petitioner No.1 and opposite party No.3, who are also physically present in Court today and on being asked, they admit the fact of marriage and living together as husband and wife.

6. Mr. Mohapatra, learned ASC for the State submits that some of the offences are not compoundable in nature considering which appropriate order may be passed.

7. On perusal of the affidavit, it is found that petitioner No.1 and opposite party No.3 are married and they have been blessed with children born out of their wedlock. Considering the allegation in the FIR as at Anneuxre-1 and subsequent development as to the marriage between petitioner No.1 and opposite party No.3 and notwithstanding the fact that some of the offences are not compoundable in nature, the Court is of the view that inherent jurisdiction should be exercised.

8. The Court is aware of 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** which is with regard to exercise of inherent jurisdiction to quash the criminal proceedings. According to the Court, it is a fit case where inherent jurisdiction should be exercised to quash the proceeding.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands allowed.

11. Consequently, the criminal proceeding in G.R. Case No.30 of 2013 pending in the court of learned Civil Judge-cum-J.M.F.C., Bheden is hereby quashed.

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

(R.K. Pattanaik)
Judge

