

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3359 of 2022

Sudhir @ Sudhakar @ Kirtan Bihari
Acharya

....

Petitioner

Mr. Ramesh Chandra Behera, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.11.2022

Order No.

04.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.3. None appears on behalf of opposite party No.2
2. In the instant case, the petitioner has approached this Court for quashing of the impugned order under Annexure-4 and chargesheet at Annexure-5 in connection with Special (POCSO) Case No.84 of 2021 corresponding to G.R. Case No. 483 of 2021 arising out of Pallahara P.S. Case No. 285 of 2021 pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Angul on the ground of compromise.
3. Copy of the F.I.R. at Annexure-1 shows that Pallahara P.S. Case No. 285 of 2021 was registered under Section 363 IPC after the alleged

incident which led to the submission of chargesheet under 376 IPC besides other allied offences and Section 4 & 6 of the POCSO Act.

4. Learned counsel for the petitioner submits that in the meantime, there has been marriage between the petitioner and opposite party No.3, namely, the victim and in support thereof, she has filed an affidavit today in Court. It is claimed that the marriage was held at a temple on 28th October, 2022 as per the Hindu customs & rites. Considering the said affidavit and the marriage between the parties, learned counsel for the petitioner submits that the criminal proceeding which is pending before the learned Special Court should be quashed in the interest of justice. The fact of marriage is confirmed by learned counsel for opposite party No.3.

5. Mr. Mishra learned counsel for the State objects to the quashing of the proceeding on the ground that the offences are grievous in nature and non-compoundable.

6. The petitioner and opposite party No.3 are physically present in Court today. The affidavit is filed in Court sworn by opposite party No.3 and on being asked, she admits about the marriage with the petitioner. The petitioner is also claimed to have solemnized his marriage with opposite party No.3 on 28th October, 2022 at a temple.

7. Considering the aforesaid development and keeping in view the legal position as laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675** which dealt with inherent jurisdiction for quashing of criminal proceedings, the Court is of the view that since the petitioner and opposite party No.3 have married in the meantime and settled in life, in order to ensure peace

and stability in their marital life, the criminal proceeding pending before the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Angul should be brought to an end and quashed in exercise of jurisdiction Section 482 Cr.P.C.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands allowed.

10. Consequently, the criminal proceeding in connection with Special (POCSO) Case No.84 of 2021 arising out of G.R. Case No. 483 of 2021 corresponding to Pallahara P.S. Case No. 285 of 2021 pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Angul is hereby quashed.

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

(R.K. Pattanaik)
Judge