

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3472 of 2022

Sajid Mian @ Kheru and Others

Petitioners

Mr. B. Dalai, Advocate

-Versus-

State of Odisha

.... Opposite Parties

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
29.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with G.R. Case No.1340(A) of 2020 corresponding to Biramitrapur P.S. Case No.128 of 2020 pending in the file of learned J.M.F.C., Biramitrapur on the grounds stated therein.
3. Learned counsel for the petitioners submits that the principal accused has in the meantime married informant/victim and both are happy settled and the petitioners have been chargesheeted for having assisted in the elopement of the victim and considering the same, the criminal proceeding as against them should be quashed morefully when both the parties involved have solemnized their marriage which is objected to by Mr. Mohapatra, learned counsel for the State.
4. A copy of the FIR is at Annexure-1 and the same is perused by the Court. In fact, the principal accused stood chargesheeted

under Section 376(2)(n) IPC and other allied offences whereas the petitioners stated to have helped and assisted the former in the alleged elopement of the victim, who subsequently claimed to have married him and in support of such claim, a copy of the affidavit at Annexure-4 is referred to.

5. Notwithstanding any such marriage having taken place between the victim and the principal accused which is the only ground referring to the affidavit at Annexure-4, the Court is not inclined to quash the proceeding as against the petitioners. It is submitted that the offences against the petitioners to be bailable in nature and therefore, the at least in the event, if the Court is not inclined to quash the proceeding, they should be directed to surrender before the learned court below and apply for bail.

6. Considering the limited prayer, the Court is of the view that since the petitioners since assisted the principal accused and not involving in any sexual offences, liberty should be directed to surrender before the learned court below and released on bail subject to conditions.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned J.M.F.C., Biramitrapur in connection with G.R. Case No.1340(A) of 2020 corresponding to Biramitrapur P.S. Case No.128 of 2020 on or before 16th December, 2022 and in the event, they surrender within the stipulated time and apply for release, the court shall grant them bail subject to conditions as deemed just and proper in the facts and circumstances of the case.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

