

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2413 of 2021

Hemant Kumar Dehury

....
Mr. A.N.Samantaray, Advocate

Petitioner

-Versus-

State of Odisha & Another

....
Mr.P.K.Rout, AGA

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.09.2022

Order No.

06.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.

2. In the present case petitioner invoking jurisdiction Section 482 of Cr.P.C. has approached this Court for quashing of the criminal proceeding in C.T. Case No. 3642 of 2018 arising out of Nayapalli P.S. Case No. 229 of 2018 pending in the court of learned SDJM, Bhubaneswar on the ground of compromise and dissolution of marriage between the petitioner and opposite party No.2 in the meantime in terms of Section 13 B of the Hindu Marriage Act.

3. Learned counsel for the petitioner submits that after a settlement was reached at between the petitioner and opposite party No.2 and mutual divorce was obtained in C.P. No. 187 of 2021 by order dated 25th August, 2021 passed by the learned Judge, Family Court, Jagatsinghpur. It is further submitted that in view of such dissolution of marriage and the fact that opposite party No.2 has

received a permanent alimony, the proceeding pending before the learned court below in C.T. Case No. 3642 of 2018 should be quashed in the interest of justice.

4. Learned counsel for opposite party No.2 refers to an affidavit filed by the informant herself and also admits the fact about the settlement and also dissolution of marriage w.e.f 8th December, 2017 by virtue of the judgment and decree passed in C.P. No. 187 of 2021.

5. Considering the above facts and submissions of the learned counsel for the petitioner and opposite party No.2, the Court is of the view that since the parties have dissolved their marriage by decree of Family Court and separated and as opposite party No.2 received a permanent alimony of Rs.5.5. lac, the fact which is confirmed by the learned counsel appearing for her, the Court is of the view that in the interest of justice, the criminal proceeding pending before the court below in C.P. NO. 187 of 2021 should be quashed. Such a decision is with a reference to the settled position of law laid down by the Apex Court in **B. S. Joshi & Others Vs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein it has been held and observed that under certain circumstances peculiar to a case and in order to ensure justice inherent jurisdiction Section 482 of Cr.P.C. may be exercised. The Court is of the opinion that it is a fit case where such jurisdiction should be exercised in order to ensure peace and stability in the lives of the parties.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in C.P. No. 187 of 2021 arising out of Nayapalli

P.S. Case No. 229 of 2018 pending in the court of learned SDJM, Bhubaneswar is hereby quashed.

8. An urgent certified copy of this order be issued as per rules

(R.K. Pattanaik)
Judge

kabita

