

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3683 of 2022

Uttam Pradhan

....
Mr. Jyotirmaya Sahoo, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. Sitikanta Mishra, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
02.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Prayer in the present case is to quash the criminal proceeding in Berhampur Mahila P.S. No.124 of 2022 corresponding to G.R. Case No.1718 of 2022 pending in the file of learned S.D.J.M., Berhampur on the grounds stated therein.
 3. Mr. J. Sahoo, learned counsel for the petitioner submits that the petitioner and informant had been in a relationship for about 13 years but then with the allegation of cheating and false assurance of marriage, the latter lodged the FIR, whereupon, Berhampur Mahila P.S. Case No.124 of 2022 under Sections 493, 417, 376(2)(n), 313, 323 and 506 IPC was registered. Learned counsel for the petitioner further submits that it was a consensual relationship between the parties, therefore, the criminal proceeding initiated at the behest of

the informant cannot be sustained in law and is liable to be quashed.

4. Mr. S.Mishra, learned counsel for the State on the other hand submits that the investigation is underway and therefore, the court should not interfere with the proceeding pending before the learned S.D.J.M., Berhampur at this stage.

5. Mr. Sahoo, learned counsel for the petitioner with reference to the affidavit of the informant dated 15th July, 2022 and also copy of the statement recorded under Section 164 Cr.P.C. as at Annexure-3 claims that it was entirely a consensual relationship. It is further submitted that if the Court is not inclined to interfere with the criminal proceeding, as has been prayed for, at least it should direct the petitioner to surrender and released on bail considering the nature of allegation and the fact that it was a committed relationship between the parties for nearly 10 years and more.

6. The Court perused the FIR at Annexure-1, copy of the affidavit at Annexure-2 and statement of the victim under Annexure-3.

7. It appears that the parties were in a relationship for quite long time and during that period the informant became pregnant. As it appears, the informant lodged the FIR at the end, when the marriage did not materialize, after having being in a relation for more than 10 years. But then, the Court is not inclined to quash the criminal proceeding leaving open for the local police to examine whether the offence under Section 376(2)(n) I.P.C. is made out or not but is inclined to issue a direction to the petitioner to surrender before the learned court below in connection with G.R. Case No.1718 of 2022 and released him on bail subject to conditions.

8. Accordingly, it is ordered.

9. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M.,

Berhampur in G.R. Case No.1718 of 2022 arising out of Berhampur Mahila P.S. No.124 of 2022 and move for bail and in such an event, he shall be released on bail with conditions as deem fit and proper by the court below.

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

(R.K. Pattanaik)
Judge

U.K. Sahoo

