

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3689 of 2022

Asit Kumar @ Chinu

....
Mr. Chandana Mishra, Advocate

Petitioner

-Versus-

State of Odisha and Another

.... **Opposite Parties**

Mr. S.S. Mohapatra, Advocate, OP No.1
Mr. Biswabhusan Das, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.12.2022

Order No.

02.

1. Mr. Biswabhusan Das, learned counsel has entered appearance for the opposite party No.2 and files his Vakalatnama in Court today, which is taken on record.
2. Heard Mr. Chandana Mishra, learned counsel for the petitioner, Mr. S.S. Mohapatra, learned ASC for State and Mr. Biswabhusan Das, learned counsel appearing for opposite party No.2.
3. Instant petition under Section 482 Cr.P.C. at the behest of the petitioner is for quashing of the criminal proceeding in C.T. Case No.156 of 2019 arising out of Kisannagar P.S. Case No.144 of 2019 pending in the court of learned Presiding Officer, Special Court SC & ST (PoA) Act, Cuttack on the ground of compromise between the parties.

4. Perused the copy of the chargeheet under Annexure-2 series as per which the petitioner stood charged under Section 376(2)(n) and Section 3 of SC/ST (PoA) Act.

5. Learned counsel for the opposite party No.2 submits that in view of the compromise between the parties and both of them married elsewhere, no fruitful purpose would be served in the continuance of the criminal proceeding and therefore, it should be quashed in exercise of inherent jurisdiction of this Court.

6. Opposite Party No.2 appears before this Court on virtual mode and submits that she does not have any objection if the criminal proceeding against the petitioner is quashed.

7. Annexure-3 is perused and considering the submission of learned counsel for the petitioner and opposite party No.2 besides the objection received from Mr. S.S. Mohapatra, learned Additional Standing Counsel for the State stating that some of the offences are not compoundable in nature, therefore, no interference is warranted, the Court is of the view that since the parties have resolved their dispute and settled in life after their marriage elsewhere, it would be a futile exercise to continue with the proceeding pending in the court below as denial of it is to bring more disturbance in their lives.

8. Having regard to the nature of dispute and since parties were in a relationship and at present both have decided to live separately, it would not be proper to continue the criminal proceeding and hence is required to be quashed in the interest of justice. The Court is aware of the law laid down by 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 terminate the criminal proceeding. Accordingly, the Court is of the view that it is a fit case where the

jurisdiction of the Court 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 C.T. Case No.156 of 2019 arising out of Kisannagar P.S. Case No.144 of 2019 pending in the court of learned Presiding Officer, Special Court SC&ST (PoA) Act, Cuttack is hereby quashed.

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

U.K.Sahoo

