

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2560 OF 2021

Rohan Raul @ Raula & Others

***..... Petitioners
Mr. J.K. Panda, Advocate***

-versus-

State of Odisha & Others

***..... Opposite Parties
Mr. K.K. Gaya, ASC
Mr. S.K.Dwibedi Advocate for
the Opposite Party No.2.***

CORAM:

JUSTICE V. NARASINGH

**ORDER
17.05.2022**

Order No.
02.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. J.K. Panda, learned counsel for the petitioners, Mr. K.K. Gaya, learned Additional Standing Counsel for the State and Mr. S.K. Dwibedi, learned counsel appearing for the Opposite Party No.2.
3. The aforesaid CRLMC has been filed for quashing of the proceeding in G.R. No.23 of 2020 arising out of Berhampur Town P.S. Case No. 02 of 2020 on the file of Learned S.D.J.M., Berhampur. During pendency of the CRLMC with the intervention of the well-wishers from both the sides, the matter is stated to have been compromised and settled out of Court.

4. Joint Affidavit has been filed by the petitioner 1 to 6 and informant- Opposite Party No.2, dtd. 06.12.2021, which is at Flag-A of the petition.

5. Paragraph-3 and 4 of said affidavit indicating that the lis has been compromised inter se is quoted hereunder for convenience of ready reference;

“3.- That, We have settled our dispute outside the Court in presence of the local gentleman and relation. That as per settlement the petitioner No.1 and Opp. Party No.2 will remain as husband and wife. Out of our wedlock one son was born on 13.08.2020 at MKCG Hospital Berhampur. The petitioner No.1 and Opp. Party No.2 are living happily. As per settlement the complainant/informant does not want to give evidence further against the petitioners. And does not want to continue the proceeding in the Court of learned SDJM, Berhampur/ before this Hon'ble Court.

4. That, we have settled the dispute outside the Court and in view of such settlement the Opp. No.2 will not proceed further against the petitioners and she will not depose evidence against the petitioners, she is leading very happy conjugal life with my husband out of our wedlock a male child was born at MKCG Hospital, Berhampur on 13.08.2020.”

6. In view of the recitals in the aforesaid paragraphs and in tune with the law laid down by the Apex Court in case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karkur and others v. State of Gujarat and another***, reported in ***AIR 2017 SCC 4843***, the proceeding in connection with G.R. No.23 of 2020 arising out of Berhampur Town P.S. Case No. 02 of 2020 on

the file of Learned S.D.J.M., Berhampur stands quashed in respect of the petitioners, in exercise of power under Section-482 Cr.P.C.

7. The CRLMC thus stands disposed of.
8. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingsh)
Judge*

