

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3862 of 2022

Prasanta Kumar Mohanta and Another Petitioners
Mr. Suryakanta Dwibedi, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. Sitikanta Mishra, ASC, OP No.1
None appears for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.12.2022

Order No.

- 02.
1. Heard learned counsel for the respective parties.
 2. Learned counsel for the petitioner does not want to press this petition in respect of petitioner No.1 as it has become infructuous. So, the present order is confined to petitioner No.2 only.
 3. Instant petition under Section 482 Cr.P.C. at the behest of the principal accused, namely, petitioner No.1 and petitioner no.2, who is the father of the accused-petitioner No.1 for quashing of the impugned order dated 15th December, 2021 in connection C.T. Special (POSCO) No.191 of 2019 arising out of Kaliapani P.S. Case No.116 of 2019 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Jajpur on the grounds stated therein.
 4. Perused the copy of the impugned order at Annexure-1 and copy of the FIR as at Annexure-2.

5. It is submitted by learned counsel for petitioner No.2 that on the basis of the report lodged by the informant, the FIR was lodged in Kaliapani P.S. Case No.116 of 2019 for commission of offences under Sections 376(2)(n) & 506 IPC along with Section 6 of the Protection of Children from Sexual Offence Act, 2012 and in the meantime, there has been a compromise between the parties and considering the same, the criminal proceeding in C.T. Special (POSCO) No.191 of 2019 should be quashed.

6. Mr.S. Mishra, learned Additional Standing Counsel for the State offers his strong objection for quashing of the impugned order since the informant was a minor who is aged about 15 years at the time the FIR was lodged. Considering the fact that the case instituted under Section 6 of the POCSO Act and as the victim is a minor at the relevant point of time, the Court is not inclined to exercise inherent jurisdiction to quash the impugned order under Annexure-1, which is absolutely as per and in accordance with law.

7. At this juncture, learned counsel for petitioner No.2 submits that since there is a compromise between both the sides, at least the petitioner No.2 should be directed to surrender before the learned court below and allow to go on bail.

8. Considering the above facts and the as the Court is not inclined to quash the impugned order under Annexure-1, it is of the view that petitioner No.1 and the victim girl has been in a relationship prior to the incident and the former developed relationship with the latter on a false promise to marry her and developed physical intimacy and thereafter he refused to marry and since a compromise has been reached between the parties in the meantime, this Court directs petitioner No.2 to surrender and be released on bail subject to conditions.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands disposed of with a direction to petitioner No.2 to surrender before the learned Additional Sessions Judge-cum-Special Judge, Jajpur on or before 13th January, 2023 in C.T. Special (POSCO) No.191 of 2019 arising out of Kaliapani P.S. Case No.116 of 2019 and in the event he surrenders within the time stipulated, the court below shall release him on bail with conditions as deemed just and proper.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

