IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.6059 of 2014

Santosh Kumar Lenka & others	....	**Petitioners** Mr. Durga Prasad Pattanaik, Advocate

-versus-

State of Odisha & another	....	**Opp. Parties** Mr. Udit Ranjan Jena, AGA and Mr. S.K. Sahoo, Advocate

CORAM:

JUSTICE SIBO SANKAR MISHRA

Order No.	**ORDER** **13.12.2024**
11.	**1.** Heard. **2.** At the instance of the opposite party No.2, the F.I.R. in connection with Mahila P.S. Case No.14 of 2013 corresponding to G.R. Case No.583 of 2013 came to be registered against the petitioners for the alleged

commission of offences punishable under Sections 498(A)/307/34 of the IPC read with Section 4 of the D.P. Act, pending in the Court of learned S.D.J.M., Rourkela (Panposh).

3. The allegation against the petitioners is that, the complainant lodged a written report at the Mahila P.S. alleging that, on 08.07.2011, the opposite party NO.2 got married to the petitioner No.1. After few days of their marriage, the in-laws s of the opposite party No.2 started torturing her by demanding more dowry. She alleged that during her pregnancy, her husband, who was working in the medicine store, forcibly injected her some medicine for miscarriage. On several occasions, the in-law have tortured the opposite party NO.2 both physically and mentally. They also attempted to kill her for non-fulfillment of dowry demand. Hence, the case.

4. The petitioner No.1 is the husband of the opposite party No.2 whereas the petitioner Nos.2, 3 & 4 are in-laws of the opposite party No.2.

5. The investigation is still going on in the present case. At this stage, the parties have settled their dispute.

6. The petitioner No.1 and the opposite party No.2 are present in the Court today. They are being represented by their respective counsel and identified by them. They have also filed the photocopies of their self-attested Aadhaar Cards to establish their identity,

which are taken on record.

7. In so far as the petitioner Nos.2, 3 & 4 are concerned, learned counsel for the petitioners has moved an application for exemption of their personal appearance on various grounds. For the grounds stated in the application, the personal appearance of the petitioner Nos.2, 3 & 4 are exempted.

8. The parties have filed a joint affidavit in the Court today, *inter alia*, stating as under:

> *"2. That the petitioner No.1 and opp. party no.2 had married to each other on dated 08.07.2011 out of love affair.*
>
> *3. That due to unwillingness and some misunderstanding of my father, I the opp. party no.2 (informant) had lodged FIR against my husband and in-laws which has been registered as Rourkela Mahila PS Case No.14 of 2013 dated 16.03.2013 corresponding to G.R. Case No.583 of 2013 now pending in the court of the learned S.D.J.M., Panposh, Rourkela.*
>
> *4. That during pendency of the Criminal Proceeding the matter has been amicably settled between the opp. party no.2 (informant) and with the in-laws outside the court premises with the intervention of our well wishers, relatives and their village gentries.*
>
> *5. That since 2014 till now the opp. party no.2 her husband and their children and in-laws are living peacefully in the house of her mother-in-law.*
>
> *6. That, since the parties are living peacefully, if the criminal proceeding will continue, it will affect the good relationship between the parties.*
>
> *7. That the opp. party no.2 and the petitioners do not want to proceed with the case further since the dispute have been settled between the parties in their locality."*

9. The opposite party No.2 is present in the Court today. On query from the Court, she stated that, she has resumed her conjugal life with the petitioner No.1 and is happy. Since the conjugal life has already been resumed, she does not want to prosecute the petitioners any more.

10. Mr. Jena, learned Additional Government Advocate appearing for the State submits that the dispute is primarily arising out of a matrimonial discord and the parties have settled their dispute and the opposite party No.2 has filed the affidavit in that regard, there is no legal impediment in quashing the present F.I.R.

11. Regard being had to the submissions of counsels and the fact that the parties have settled their dispute, I am inclined to allow the present petition. In the fact scenario of the present case, subjecting the petitioners to the rigors of trial at this belated stage would be a futile exercise. The present case is squarely covered by the judgments of the Hon'ble Supreme Court in the cases of ***Gian Singh v. State of Punjab and another,*** reported in ***2012 (10) SCC 303; B.S. Joshi & others v. State of Haryana & another,*** *reported in* ***(2003) 4 SCC 675*** and ***MadhavraoJi Wajirao Scindia & another v. Sambhajirao ChandrojiraoAngre and others***, reported in ***AIR 1988 SC 709,*** therefore, the petition deserves merit.

12. Taking into consideration the aforementioned judgments, the facts of the case and submissions made at the Bar, the F.I.R. in connection with Mahila P.S. Case No.14 of 2013 corresponding to G.R. Case No.583 of 2013 pending in the Court of learned S.D.J.M., Rourkela (Panposh) and the consequential proceedings arising therefrom qua the petitioners are quashed.

13. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Subhasis

Signature Not Verified
Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 14-Dec-2024 20:05:10