

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3518 of 2022

Biswajit Sen and Others

Petitioners

Mr. S.R. Mohapatra, Advocate

-Versus-

State of Orissa and Others

.... Opposite Parties

Mr. T.K. Praharaj, SC

Mr. A. Pradhan, Advocate for O.P. Nos.2 and 3

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

02.01.2023

Order
No.

01.

1. Heard learned counsel for the petitioners, learned counsel for the opposite party No.1-State and learned counsel for the opposite party Nos.2 and 3.

2. Prayer in the present case is for quashing of the criminal proceeding in connection with C.T. Case No.179 of 2018 arising out of Balichandrapur P.S. Case No.185 of 2017 pending in the file of learned Assistant Sessions Judge (STC), Jajpur on the ground of compromise.

3. The copies of the FIR and chargesheet are at Annexure-1 and 2 respectively.

4. Learned counsel for the petitioners submits that the matter is compromised between the parties and at present, opposite party No.3 is staying with petitioner No.1 and both are leading a happy marital life and considering the aforesaid development, the criminal proceeding pending before the learned court below should be quashed in the interest of justice. Learned counsel for the opposite party Nos.2 and 3 confirms the fact of compromise between the

parties. The learned counsel for the petitioners as well as opposite party Nos.2 and 3 refer to the affidavits as at Flag-A, B & C as well.

5. Mr. Praharaj, learned counsel for the State submits that necessary orders may be passed by the Court considering the submission of learned counsel for the petitioners and opposite party Nos.2 and 3 and in view of the compromise reached at between the parties.

6. The Court perused the affidavits and in particular of opposite party No.3. The Court finds that petitioner No.1 is the husband of opposite party No.3 has filed an affidavit and both in unison claimed about the compromise and staying together at present leading a peaceful life and do not have any objection if the proceeding pending before the learned court below is quashed.

7. Being aware of the settled position of law as laid down by the Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** with regard to quashing of the criminal proceeding under Section 482 Cr.P.C. where the parties have compromised and the nature of dispute since matrimonial, the Court is of the view that in the present case as well the proceeding pending before the learned court below should be quashed in the interest of petitioner No.1 and opposite party No.3 notwithstanding the fact that some of the offences to be non-compoundable in nature. In other words, the Court is of the view that since the parties have settled their differences and petitioner No.1 and opposite party No.3 are living together and leading a happy marital life, no fruitful purpose would be served in the continuation of the criminal proceeding pending before the learned court below and therefore, it should be quashed in exercise of the Court's inherent jurisdiction.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in connection with C.T. Case No.179 of 2018 arising out of Balichandrapur P.S. Case No.185 of 2017 pending in the file of learned Assistant Sessions Judge (STC), Jajpur is hereby quashed.

10. A certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

