
(2007) 02 OHC CK 0054
In the Orissa High Court
Case No : Criminal M.C. No. 1565 of 2006

Anjan Kumar Mohapatra

APPELLANT

Vs

State of Orissa, Smt. Subasii Behera and Surendra Behera

RESPONDENT

Date of Decision : 13-02-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2007) CLT 337 (Suppl CrI)

Hon'ble Judges : L. Mohapatra, J

Bench : Single Bench

Advocate : Prakash Ch. Jena, Addl. Standing, for the Appellant; P.R. Singh, for the Respondent

Final Decision : Allowed

Judgement

L. Mohapatra, J.—This application u/s 482 Code of Criminal Procedure has been filed for quashing the proceeding in Remuna P.S. Case No. 66 of 2006 corresponding to C.T. No. 867 of 2006 pending in the Court of the Learned S.D.J.M. Balasore.

2. The aforesaid case was registered for commission of offence under Sections 363 and 366 of the Indian Penal Code on the basis of an F.I.R. lodged by one Surendra Behera, who is Opposite Party No. 3 before this Court. The allegation in the F.I.R. is that on 10.5.2006 at about 4.00 P.M. the minor daughter of the Opposite Party No. 3 had gone to the village Badua along with her friends but did not return till late in the night. After thorough search, the minor daughter of the Opposite Party No. 3 was not found out. The F.I.R. lodged by the informant suspected that the Petitioner has kidnapped the minor daughter. After investigation, charge sheet has been submitted for commission of offence under Sections 363 and 366 of the Indian Penal Code.

3. The Learned Counsel for the parties submit that the matter has been settled and the informant does not want to proceed with the case any further. Opposite

Party No. 3 who is informant has filed an affidavit stating that her daughter who is aged about 19 years had left with the Petitioner on her own and both of them have got married in a temple on 17.5.2006. It is also stated in the affidavit that the daughter of the informant and the Petitioner are living peacefully as husband and wife and that the informant does not want to precede with the case any further.

4. In view of such affidavit, I verified the age of the daughter of the informant and as it appears that she was born on 13.4.1988 and on the date of occurrence, she was above eighteen years of age. I am of the view that no fruitful purpose will be served by allowing the proceeding to continue and continuance of the said proceeding may ultimately affect the relationship between the Petitioner and the daughter of the informant.

5. I, accordingly allow the application and quash the proceeding.

6. Urgent certified copy of the order be granted on proper application.

Crl MC. disposed of.