

(2003) 04 OHC CK 0051

In the Orissa High Court

Case No : Criminal Miscellaneous Case No. 812 of 2003

Bhabani Prasad Gochhayat alias Mangu and Another

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 25-04-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Hindu Marriage Act, 1955 — Section 8(1)

Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2003) 25 OCR 245

Hon'ble Judges : A.S. Naidu, J

Bench : Single Bench

Advocate : Sangam Kumar Sahoo, Gitanjali Sahoo, A.P. Ray and M.K. Mallik, for the Appellant;

Judgement

A.S. Naidu, J.—Heard Learned Counsel for the Petitioners and the Learned Counsel for the State.

2. This petition has been filed invoking inherent jurisdiction of this Court u/s 482 Code of Criminal Procedure to quash the order dated 2.10.3 passed by the learned S.D.J.M., Kendra para in G.R. Case No. 482 of 2002 taking cognizance of offences under Sections 363, 366-A I.P.C. against the Petitioners.

3. It is submitted by the Learned Counsel for the Petitioners that the aforesaid case was registered on the basis of an F.I.R. lodged by the father of Petitioner No. 2 alleging that his daughter, Petitioner No. 2, was kidnapped by the Petitioner No. 1.

4. The matter had earlier come up before this Court in W.P. (Crl) No. 74/ 2002 when Petitioner No. 2 appeared in Court and stated that she had married Petitioner No. 1 which fact was recorded by the Division Bench, vide order dated. 23.3.2002. In support of their marriage, the Petitioners have also produced a certificate issued u/s 8(1), Hindu Marriage Act, 1989.

5. Mr. Sahoo, Learned Counsel for the Petitioners submitted that the Petitioners are leading a blissful married life. After perusing the materials on record and considering the submissions made in the light of the ratio of the decisions in the cases of Fazle v. State in 2000 S.C.C. (Crl.) 686 and Liaquat v. State (2001) 21 O.C.R. 437. I am of the view that in the interest of all parties the further proceeding of the case should not be allowed to continue any further, Accordingly this Crl. Misc. Case is allowed. The proceedings of G.R. Case No. 482/2002 of the Court of the S.D.J.M. Kendra Para are quashed.