
(2014) 07 OHC CK 0006
In the Orissa High Court
Case No : CRLMC No. 502 of 2010

Nuri Sahaji and Others

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 03-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164, 482

Citation : (2014) 2 ILR 1157 : (2014) 2 OLR 989 Suppl. : (2014) 2 OLR 989

Hon'ble Judges : I. Mahanty, J

Bench : Single Bench

Advocate : S.K. Sahoo, G. Sahoo and A. Mohanty, Advocates for the Appellant

Judgement

I. Mahanty, J.—The present application under Section 482 Cr.P.C. has come to be filed by the petitioners seeking to quash the criminal proceeding in G.R. Case No. 1079 of 2008 arising out of Dhusuri P.S. Case No. 89 of 2008, pending before the learned S.D.J.M., Bhadrak. Pursuant to the order of this Court dated 23.02.2011, the statement of the alleged victim (opposite party No. 3) has been recorded by the learned J.M.S.O. Bhadrak under Section 164 Cr.P.C., translation of which reads as follows:

"In the year 2008, I went to Keonjhar with Nuri Saji and we were staying at Ghatagaon for a period of two years. I had gone with Nuri Saji on my own volition. Thereafter, we went to our village Jagannath Sahi. Our staying at Ghatagaon, a daughter has taken birth. My husband and my in-laws have showing good behaviour to me. Presently, I have in happy. Without my father's permission, I went away with Nuri Saji."

2. It appears that both the petitioners and opposite party No. 3 (victim) are living with good cordial relationship. Therefore, continuance of the aforesaid criminal proceeding any further would serve no fruitful purpose since there is very little chance of any conviction in the said case. In view of the above and keeping in view the decision of the Hon'ble Supreme Court in the case of B.S.

Joshi and Others Vs. State of Haryana and Another, , the CRLMC is allowed and the criminal proceeding in G.R. Case No. 1079 of 2008 arising out of Dhusuri P.S. Case No. 89 of 2008, pending before the learned S.D.J.M., Bhadrak is quashed.