

(2022) 01 OHC CK 0214
In the Orissa High Court
Case No : CRLMC No. 139 Of 2022

Pravudutta Patra & Others

APPELLANT

Vs

State Of Odisha & Anr

RESPONDENT

Date of Decision : 28-01-2022

Acts Referred:

Hindu Marriage Act, 1955 — Section 13(1)
Code of Civil Procedure, 1908 — Order 23 Rule 3
Indian Penal Code, 1860 — Section 34, 294, 307, 323, 354, 498A, 506
Dowry Prohibition Act, 1961 — Section 4

Citation : (2022) 01 OHC CK 0214

Hon'ble Judges : S.K. Panigrahi, J

Bench : Single Bench

Advocate : Debasis Tripathy, M.K.Mohanty

Final Decision : Disposed Of

Judgement

S.K. Panigrahi, J

1. This matter is taken up virtual mode.
2. Heard learned counsel for the parties.
3. The petitioners have filed this CRLMC with a prayer to quash the F.I.R. and the criminal proceeding against them vide Mahila P.S. Case No. 74 of 2021 for the offence under Section 498-A/323/294//506/307/354/34 of the I.P.C. read with Section 4 of the D.P.Act corresponding to C.T. Case No. 3708 of 2021 on the file of learned S.D.J.M., Bhubaneswar on the ground of compromise.
4. Learned counsel for the petitioners submits that due to continuous harassment by opposite party No.2 and her reluctance to stay in in-law's house, the petitioner No.1 approached the learned Judge, Family Court,

Bhubaneswar Under Section 13(1) of Hindu Marriage Act vide C.P. No.777

of 2021. During pendency of the said C.P., they have settled their disputes. On 01.12.2021 the petitioner no.1 and the opposite party no.2 had filed a

joint application before the said Court under Order 23, Rule-3 of C.P.C.

As per the terms and conditions of the Settlement as mentioned in the said application, it has been allowed by the learned Judge, Family Court,

Bhubaneswar vide the judgment and order dated 01.12.2021 and accordingly, the marriage between the petitioner no.1 and the opposite party no.2 has

been dissolved by a decree of divorce on mutual consent with effect from the date of decree mor particularly based on Condition No.IV of the said

application which is extracted hereunder:

â??IV. That the petitioner and his parents will withdraw or take steps to close all cases which they have filed against the Respondent. Similarly, the respondent

will withdraw or take steps to close all such cases which she has filed against the petitioner and his family members.â??

5. Further it is pertinent to mention here that keeping in view the ratio decided by the Honâ??ble Supreme Court in the case of B.S. Joshi and others

vrs. State of Haryana (2003) 4 SCC675, this Court is of the opinion that in view of the compromise between the parties, there is no need to proceed

with the criminal trial, as the only possible outcome is of acquittal of the petitioners. There is remote and bleak possibility of conviction of the

petitioners in this case. Hence, to prevent the abuse of process of law, the criminal trial against the petitioners should be quashed.

6. Accordingly, the CRLMC is allowed. The criminal proceeding in C.T. Case No.3708 of 2021 arising out of Bhubaneswar Mahila P.S. Case No.74

of 2021 pending in the court of the learned S.D.J.M., Bhubaneswar is hereby quashed. The compromise petition filed by the petitioner in the C.P.Case

No.777 of 2021 along with affidavit filed by the petitioner no.2 shall form a part of the records.

7. The CRLMC is disposed of, accordingly.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the

High Courtâ??s website, at par with certified copy, subject to attestation by the ADVOCATE concerned with his/her seal, in the manner prescribed

vide Courtâ??s Office Order dated 7th January, 2022.

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