

(2024) 03 OHC CK 0044
In the Orissa High Court
Case No : CRLMC No.320 Of 2024

Shibanarayan Panigrahi

APPELLANT

Vs

State Of Orissa & Another

RESPONDENT

Date of Decision : 06-03-2024

Acts Referred:

Indian Penal Code, 1860 — Section 313, 376

Citation : (2024) 03 OHC CK 0044

Hon'ble Judges : S.S. Mishra, J

Bench : Single Bench

Advocate : Deepak Kumar Pani, P.K. Maharaj, Panchanan Panigrahi

Final Decision : Disposed Of

Judgement

S.S. Mishra, J

1. At the instance of the opposite party no.2, the F.I.R. in Purighat P.S. Case No.264 of 2023 arising out of G.R. Case No.669 of 2023 for the offences under Sections-376/313 IPC came to be registered against the petitioner.

2. The opposite party no.2 had lodged a report in Purighat Police Station on 16.10.2023 alleging that the petitioner sent her friend request through Facebook. She accepted the friend request and started chatting with the petitioner. Thereafter, both of them also started talking to each other over phone. It is alleged that the petitioner kept physical relationship with the opposite party no.2 without her consent. After this, the opposite party no.2 said the petitioner that she will report the matter before the police, but the petitioner assured to marry her. Then the opposite party no.2 became pregnant and her pregnancy was aborted by using medicine. It is further alleged that when the O.P. No.2 demanded the petitioner to marry her, by taking some plea or other, the petitioner denied to marry her.

3. The petitioner and the opposite party no.2 are present in the Court today and they are represented by their respective counsels. They have also filed

photocopies of their respective self-attested Aadhaar Cards to establish their identity, which are taken on record.

4. The opposite party no.2 has filed an affidavit in the Court today, inter alia, stating as follows:

"That I know the present petitioner since long and we have longstanding love affairs but due to some misunderstanding there was disturbance in our relationship for which I had lodged the F.I.R. against the petitioner. On the basis of the allegation the petitioner was arrested and subsequently the dispute between us has been compromised after the petitioner released on bail."

5. The parties have now settled their dispute amicably outside the Court. They have decided to live together. Therefore, in the changing scenario, the opposite party no.2 is not interested to prosecute the petitioner.

6. Mr. Maharaj, learned Additional Standing Counsel appearing for the opposite party no.1-State submits that since both the parties are adults, they have decided to live together and eventually they will marry. The parties have filed affidavit before this court and they are personally present in Court today. Mr. Maharaj interacted with the opposite party no.2 in the Court. Therefore, there is no legal impediment in quashing the F.I.R.

7. Taking into consideration the facts and submissions of the learned counsels at the Bar, the F.I.R. in Purighat P.S. Case No.264 of 2023 arising out of G.R. Case No.669 of 2023 pending in the Court of the learned S.D.J.M., (S), Cuttack and the consequential proceeding arising therefrom qua the petitioner are quashed.

8. The CRLMC is accordingly disposed of.

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