
(2015) 05 OHC CK 0001

In the Orissa High Court

Case No : CRLMC No. 3010 of 2014 and Misc. Case No. 2128 of 2014

Suja @ Sujata Das

APPELLANT

Vs

State of Odisha

RESPONDENT

Date of Decision : 07-05-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Indecent Representation of Women (Prohibition) Act, 1986 — Section 6
Penal Code, 1860 (IPC) — Section 292(2)(a), Section 294, Section 34, Section 417,
Section 500, Section 506

Citation : (2016) 121 CutLT 244

Hon'ble Judges : S.C. Parija, J.

Bench : Single Bench

Advocate : Jaydeep Pal, Advocate, for the Petitioners; Siva Sankar Chaini,
Advocate, for the Respondents

Final Decision : Disposed off

Judgement

S.C. Parija, J. - Heard learned counsel for the petitioners and learned counsel for the State and learned counsel for the informant-opposite party No.2 and the victim girl-opposite party No. 3.

2. This application under Section 482, Cr.P.C. has been filed for quashing of the criminal proceeding initiated against the petitioners on G.R. Case No. 1543 of 2010, arising out of Purighat P.S. Case No. 148 of 2010, under Section 292(2)(a)/417/500/294/506/34, IPC and Section 6 of Indecent Representation of Women (Prohibition) Act, 1986, pending in the Court of the Learned S.D.J.M.(S), Cuttack and the order of cognizance passed therein.

3. The brief facts of the case is that the informant-opposite Party No.3 lodged a written report before the I.I.C., Purighat Police Station, Cuttack, which was registered as Purighat P.S. Case No. 148 of 2010, under Sections 292(2)(a)/417/500/294/506/34, IPC and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986, alleging therein that on 09.12.2010, at about 12

A.M., while his youngest daughter, namely Subhashree Das, was taking bath in the courtyard of his house, petitioner No.1 was present there with a cell phone having camera facility in the same. It was alleged that at the instance of the petitioner No.2, petitioner No. 1 took certain photographs of his daughter by her said mobile phone. It was alleged that on 19.12.2010, the informant found the photographs of his daughter in bathing position in different mobile phones of locality. It was alleged that while the informant asked the said facts to petitioner No.1, she disclosed that she clicked the photographs on the instigation of her brother (petitioner Mo. 2). It was further alleged that when the informant asked the petitioners to delete the photographs of his daughter, petitioner No.2 threatened to defame the family members of the informant, especially his daughter by circulating the nude photographs in internet and also abused him in filthy language and threatened him with dire consequences.

4. On completion of investigation, the police submitted charge sheet against the accused persons under Sections 292(2)(a)/417/500/294/506/34, IPC and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986, cognizance of which was taken by the Learned Magistrate.

5. Learned Counsel for the petitioners submits that the impugned FIR has been lodged against the petitioners on false and fabricated allegations due to misunderstanding between the two families. It is submitted that in the meantime, on the intervention of the local gentries and friends, the matter has been amicably settled/resolved and pursuant to such settlement, no differences and/or misunderstanding exists between the parties and the informant does not want to continue with the criminal proceeding any further against the present petitioners.

6. It is accordingly submitted that in view of the fact that the dispute has been amicably settled between the parties and the informant does not want to continue with the criminal proceeding any further against the present petitioners, no useful purpose would be served by allowing continuance of the criminal proceeding against the present petitioners, especially when the chances of their ultimate conviction are bleak.

7. The informant-opposite party No.2 in his affidavit has stated that due to misunderstanding between the two families, he had lodged the impugned FIR. It is further stated that in the meantime, on the intervention of the local gentries and friends, the dispute between the parties have been amicably settled/resolved and pursuant to such settlement, no differences and misunderstanding exists between the parties. It is further stated that the informant does not want to proceed with the case any further against the present petitioners and has no objection if the same is quashed.

8. Considering the submissions made and keeping in view the affidavit of the informant and the fact that the matter has been amicably settled/resolved between the parties, I feel, no useful purpose would be served by allowing

continuance of the criminal proceeding against the present petitioners, especially when the chances of their ultimate conviction are bleak.

9. Accordingly, the criminal proceeding initiated against the present petitioners in G.R. Case No. 1543 of 2010, arising out of Purighat P.S. Case No. 148 of 2010, under Section 292(2)(a)/417/500/294/506/34, IPC and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986, pending in the Court of the Learned S.D.J.M.(S), Cuttack and all other consequential criminal proceedings are hereby quashed.

10. CRLMC as well as the Misc. Case is accordingly disposed of. Issue urgent certified copy as per rule.