

(2024) 05 OHC CK 0096

Orissa High Court

Case No: CRLMC No.1296 Of 2024

Ranjit Singh

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 7, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 342, 366, 376D, 376(d)(n), 506

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

Bench: Single Bench

Advocate: J.K.Khuntia, P.K.Maharaj, Himansu Sekhar Deo

Final Decision: Disposed Of

Judgement

S.S. Mishra, J

1. At the instance of the opposite party no.2, the F.I.R. in Soro P.S. Case No.547 of 2022 corresponding to C.T. Case No.1167 of 2022 for the

offences under Sections-366/376-D/376(d)(n)/342/506 IPC came to be registered against the petitioner.

2. After investigation, the charge sheet has been filed in the present case on 17.02.2023. Before trial began, the parties have settled their dispute. It is

stated that the petitioner has married to the opposite party no.2. The Marriage Certificate dated 01.11.2022 is placed on record as Annexure-2 to this

petition.

3. The petitioner and the opposite party no.2 are present in the Court today being represented by their respective counsel on being identified by them.

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

4. Both the petitioner and the opposite party no.2 conjointly state before this Court that they have married to each other and leading a happy conjugal life.

5. The parties have also filed an affidavit dated 07.05.2024 before this Court, INTER ALIA, stating that due to the misunderstanding, the F.I.R. was registered and they have already married and leading a happy conjugal life. Therefore, the opposite party no.2 is not willing to continue this prosecution against the petitioner.

6. Mr. Maharaj, learned Addl. Standing Counsel appearing for the opposite party no.1-State submits that the parties have settled their dispute and they have filed an affidavit before this Court and they conjointly pray for quashing of the F.I.R. on the ground that they have already married and leading happy marital life. Therefore, there is no legal impediment in quashing the F.I.R.

7. Taking into consideration the ratio laid down by the Honâ€™ble Supreme Court in the cases of Gian Singh vs. State of Punjab and another reported in (2012) 10 SCC 303 and B.S. Joshi & others vs. State of Haryana & another reported in (2003) 4 SCC 675, I am of the considered view that subjecting the petitioner to trial will be a futile exercise. Therefore, the petition deserves merit.

8. Accordingly, the F.I.R. in Soro P.S. Case No.547 of 2022 corresponding to C.T. Case No.1167 of 2022 pending in the Court of the learned J.M.F.C., Soro and the consequential proceedings arising therefrom qua the petitioner are quashed.

9. The CRLMC is accordingly disposed of.

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