

**Ashok Kumar Das Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/1119037](http://sooperkanoon.com/1119037)

**Court :** Orissa

**Decided On :** Jan-10-2014

**Appellant :** Ashok Kumar Das

**Respondent :** State

**Judgement :**

CRLMC No.2049 of 2012 04.

10.01.2014 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for the informant-opposite party no.3.

None appears for the opposite party no.2 when the matter is called.

This application under Section 482 Cr.P.C.has been filed by the accused-petitioners for quashing of the criminal proceeding initiated against the present petitioner in S.T.Case No.80/193 of 2011 (Criminal Trial No.28 of 2011).pending in the court of learned Adhoc Addl.

Sessions Judge, (FTC-I).Balasore, arising out of Balasore Khaira P.S.Case No.6, dated 22.11.2011, under Section 363/506/34 IPC.

The brief facts of the case is that the informantopposite party no.2 lodged a written report before the I.I.C., khaira police station, Balasore, which was registered as Kharia P.S.Case No.6 of 2011, under Section 363/506/34 IPC., alleging therein that on 14.1.2011 at about 5.45 P.M., his daughter (opposite party no.3) went to

the Tudigadia High school for witnessing Jagya, as she did not return home, and the informant could not know about her whereabouts, on 15.1.2011 he lodged a written report.

Subsequently, he (informant) came to know that the present petitioner with the help of the villagers has kidnapped her daughter in a motorcycle and when he asked about his daughter to the parents of the present petitioner, they assured him that she will return.

It was further alleged that on 22.1.2011 he received a telephone call from her daughter that the petitioner is trying to sell her and she requested the informant to save her immediately.

2 After completion of investigation, the I.O. submitted charge-sheet against the petitioner and one Sudama Mallik and the learned J.M.F.C., Soro vide order dated 20.6.2011 took cognizance of the offence under Sections 366-A/376 IPC against the present petitioner and other accused persons.

It is the case of the petitioner that he and the victim girl-opposite party no.3 had love relationship and they fled away from their respective homes and got married on 16.4.2012 at Jagannath Temple, Nimapara, as per rites and customs by exchanging garland in present of well-wishers. It is further stated that the victim girl (opposite party no.3) has sworn an affidavit on 16.4.2012, as per Annexure-4 series, stating therein that she has married to the petitioner and living with him as husband and wife and leading a happy conjugal life.

It is accordingly submitted that as the petitioner has married to the victim girl (opposite party no.3) and leading a happy conjugal life, no useful purpose would be served by allowing continuance of the criminal proceeding against the present petitioner, especially when the chances of his ultimate conviction are bleak.

The victim girl (opposite party no.3) has filed an affidavit stating therein that she left her house of own volition on 14.1.2010 and got married to petitioner on 16.4.2012 in Jagannath Temple, Nimapara, as per their caste and customs. It is further stated in the said affidavit that the informant, after her marriage to the

petitioner, is leading a happy conjugal life and she does not want to proceed with the case any further.

Considering the submission made and keeping in view the affidavit of the victim girl (opposite party no.3) and the fact that the petitioner and the victim girl have married and are residing together as husband and wife and leading a happy conjugal life, no useful purpose would be served by allowing continuance of the criminal proceeding against the present petitioner, especially when the chances of his ultimate conviction are bleak.

Accordingly, the criminal proceeding initiated against the petitioner in S.T. Case No.80/193 of 2011 (Criminal Trial No.28 of 2011), pending in the court of learned Adhoc Addl.

Sessions Judge, (FTC-I), Balasore, arising out of Balasore Khairia P.S. Case No.6, dated 22.11.2011, under Section 363/506/34 IPC.

and all consequential criminal proceedings are hereby quashed.

CRLMC is accordingly disposed of.

Issue urgent certified copy as per rules.

. S.C.Parija, J.

Misc.

Case No.2264 of 2013 O3.

02.12.2013 In view of the disposal of the CRLMC, no order is necessary.

Misc.

Case is accordingly disposed of.

. S.C.Parija, J.

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