

Kishore Behera Vs. State

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Court : Orissa

Decided On : Mar-29-2014

Appellant : Kishore Behera

Respondent : State

Judgement :

CRLMC No.1484 of 2014 & Misc.

Case Nos.1151 & 1152 of 2014 02.

29.03.2014 Sr.D.K.Mohapatra and associate enters appearance for the informant and files Vakalatnama along with an affidavit in Court today, which be kept on record.

Heard learned counsel for the petitioners.learned counsel for the State and learned counsel appearing for the informant-opposite party no.2.

This application under Section 482 Cr.P.C.has been filed praying for quashing of the criminal proceeding initiated against the petitioners in C.T.Case No.63 of 2014, arising out of Barkote P.S.Case No.13 of 2014, pending in the court of learned S.DJ.M., Deogarh, under Sections 498-A/323/506/34 I.P.C.and Section 4 of D.P.Act.

The brief facts of the case is that the informantopposite party no.2 lodged a written report before the I.I.C.Barkote Police Station in the district of Deogarh, which was

registered as Barkote P.S.Case No.13 of 2004, alleging therein that the informant married to the accused-petitioner no.1 on 17.01.2012 in the Sub-Registrar Office at Kamakhya Nagar, who is a driver by profession.

It is alleged that they lived happily as husband and wife at Nalco for two months.

Thereafter, they came to Mandasila, which is her in-laws house.

During staying there, the present petitioners assaulted the informant demanding more dowry of Rs.50,000/-.

When the informant expressed her inability, she had been locked in a room and tortured, as a result of which she sustained bleeding injuries from her ear.

It is also alleged that the accused-petitioners had threatened that she will be killed unless she brought the dowry amount.

It is stated that the allegations made against the present petitioners in the impugned F.I.R.are false and baseless u/s 2 and due to misunderstanding between the parties, the informant had lodged the said F.I.R.It is stated that subsequently with the intervention of the local gentries and well-wishers of both the parties, the dispute has been resolved and the parties are No.residing peacefully without any further dispute or disturbance.

It is further stated that in view of the compromise entered into between the parties and the amicable settlement of the dispute, the informant does No.want to continue with the proceeding against the present petitioners any further.

It is accordingly submitted that in view of the fact that the matter has been resolved between the parties and the informant does No.want to continue with the criminal proceeding against the present petitioners any further, no useful purpose would be served by allowing continuance of criminal proceeding against the present petitioners.especially when the chances of their ultimate convictions are bleak.

The informant-opposite party no.2 has filed an affidavit stating therein that the dispute between the parties have been amicably settled and/or resolved with the

intervention of the local gentries and well-wishers of both the parties and the parties are No.residing peacefully, without any further dispute or disturbance since 22.02.2014.

parties are No.residing It is further stated that as the peacefully, without any further disturbance, the informant does No.want to continue with the criminal proceeding against the present petitioners any further.

It is further stated in the said affidavit that the further continuance of the criminal proceeding would create problems in her family life.

She also stated that she has no objection, if the criminal proceedings dropped against the present petitioners.Considering the submission made and keeping in view the affidavit filed by the informant-opposite party no.2 and also the fact that the matter has been amicably resolved between the parties, I find no useful purpose would be served by allowing 3 continuance of the criminal proceeding against the petitioners.especially when the chances of their ultimate convictions are bleak.

Accordingly, the criminal proceeding initiated against the petitioners in C.T.Case No.63 of 2014, arising out of Barkote P.S.Case No.13 of 2014, pending in the court of learned S.D.J.M., Deogarh, under Sections 498-A/323/506/34 I.P.C.and Section 4 of D.P.Act and all consequential criminal proceedings are hereby quashed.

CRLMC and Misc.

Cases are accordingly disposed of.

Issue urgent certified copy as per rules.

. S.C.Parija, J.

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