



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 128 of 2025

*Swadesa @ Sadesh @ Sudesh Khara @
Swadeswar Khora*

Petitioner

Mr. S.K. Baral, Advocate

-versus-

1. *State of Odisha*
2. *Victim/Informant*

Opposite Parties

Mr. U.R. Jena, AGA
(For O.P. No.1)

CRLMC No. 912 of 2025

*Muna Minyaka @ Miniyaka and
Another*

Petitioner

Mr. S.K. Baral, Advocate

-versus-

1. *State of Odisha*
2. *Victim/Informant*

Opposite Parties

Mr. U.R. Jena, AGA
(For O.P. No.1)

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

21.04.2025

Order No.

04.

(Through hybrid Mode)

1. These applications have been filed for quashing the order of cognizance dated 04.06.2024 passed in G.R. Case No. 264 of 2023 which arises out of Laxmipur P.S. Case No. 72 of 2023 pending in the court of the learned J.M.F.C., Laxmipur as well as the subsequent proceeding thereon on the ground of compromise.

2. Mr. S.K. Baral, learned counsel for the petitioners in both the cases submits that the matter has been settled between the



victim and accused persons and now petitioner- Swadesa @ Sadesh @ Sudesh Khara @ Swadeswar Khora in CRLMC No. 128 of 2025 has married the victim and their marriage certificate has been annexed to this petition as Annexure-3.

3. Mr. Dibyajyoti Sahoo, learned counsel has filed Vakalatnama on behalf of the victim. The victim appears before this Court and submits that she does not want to proceed with the case, as her marriage has been solemnized with the petitioner- Swadesa @ Sadesh @ Sudesh Khara @ Swadeswar Khora in CRLMC No. 128 of 2025 as per Hindu rites and customs and they are residing together as husband and wife in the house of the petitioner and they have applied for registration of the marriage under Section 15 of the Hindu Marriage Act before the Sub-Registrar, Koraput on 03.01.2025. She states that in order to avoid the pressure of the society and harassment by the petitioner, she has married to him.

4. It appears that the F.I.R. in the case was registered under Sections 366, 376 (1), 294, 506, 342, 109 and 34 of the IPC on 06.07.2023 against the petitioner, one Niranjana Kandhapan and Muna Miniyaka and 5 others. Chargesheet has been submitted under Section 506 of the IPC against Swadesa @ Sadesh @ Sudesh Khara @ Swadeswar Khora only, the petitioner in CRLMC No. 128 of 2025. The learned Magistrate on 04.06.2024 after perusal of the records has called for an explanation of the I.O. as to why notice under Section 41 (A) of the Cr.P.C. was served on the accused and forwarded the matter to the D.I.G. (South Western Range) Koraput and Superintendent of Police,



Koraput for information. After perusing the statement of the victim recorded under Section 164 of Cr.P.C., the Magistrate has found a prima facie case against the accused persons to proceed against them under Sections 376 (1), 366, 294, 342, 506, 109 and 34 of IPC and taken cognizance of the offences.

5. Mr. S.K. Baral, learned counsel for both the petitioners submits that the Police after valid investigation has submitted the chargesheet under Section 506 of the IPC only. But the learned Magistrate has passed the impugned order which is liable for interference. He further submits that no useful purpose will be served if the case against them is allowed to continue, as the victim does not want to proceed with the case as she has married the petitioner-Swadesa @ Sadesh @ Sudesh Khara @ Swadeswar Khora.

6. Although I am not prima facie satisfied that this is a fit case for quashing of the proceeding against the petitioners solely on the ground of compromise as offence under Section 376 of the IPC is one of the offences but, in order to give a chance to the learned counsel for the petitioners to convince the court that quashing would be in the interest of justice, list these matters on 05.05.2025.

7. Personal appearance of the victim in the Court is not necessary. If she desires she may appear on virtual mode on the next date.

8. Affidavit, if any, filed by the victim in the meanwhile shall be incorporated in the case record.



9. Mr. U.R. Jena, learned Additional Government Advocate shall obtain the case diary and instructions from the IIC, Laxmipur Police Station if the victim and the main accused Swadesa @ Sadesh @ Sudesh Khara @ Swadeswar Khora are married to each other and are leading a happy conjugal life.

10. Copy of the order be handed over to Mr. U.R. Jena, learned Additional Government Advocate.

(Savitri Ratho)
Judge

puspa