



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1079 of 2025

Trinath Sakia

....

Petitioner(s)

Mr. J. K. Khuntia, Advocate

-versus-

State of Odisha and another

....

Opposite Party(s)

Ms. S. Moharana, ASC

Mr. H. S. Deo, Advocate for O.P.2

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

27.03.2025

Order No.

02.

1. Heard.

2. At the instance of the opposite party No.2, the F.I.R. dated 11.11.2024 in Jeypore Mahila P.S. Case No.197 of 2024 came to be registered against the petitioner for the alleged commission of the offences under Sections 376(2)(n)/376(3)/313/323 of I.P.C. read with Sections 4(2)/6 of the POCSO Act. On the ground of settlement, the petitioner is seeking quashing of the F.I.R and consequential proceedings.

3. The prosecution case in brief is that prior to seven years back, the petitioner had proposed & promised the complainant/victim to marry and kept physical relationship with her. On the pretext of marriage, the petitioner had kept physical



relationship with her several time, the complaint got pregnant. It is alleged that the petitioner gave some medicines for termination of her pregnancy but ultimately planned to marry another lady. Hence, this case.

4. The parties have settled the dispute before the trial of the case began. The petitioner has married the victim/opposite party No.2 on 27.01.2025. They have also filed a settlement deed which is annexed as Annexure-2 to the petition. On the basis of the terms of settlement, the petitioner has approached this by filing the present petition seeking quashing of the entire criminal prosecution initiated against him by the opposite party No.2.

5. The petitioner and the opposite party No.2 are present in the Court and being represented and identified by their counsels. They have also filed self-attested copy of their Aadhaar Cards to establish their identity, which are taken on record.

6. The opposite party No.2 has filed an affidavit dated 27.03.2025 inter alia stating as under:-

“1. That the petitioner has filed this application praying inter-alia therein for quashing of proceeding against the petitioner in Jeypore Mahila PS Case No.197 of 2024 corresponding to GR Case No.1284 of 2024 pending in the Court of learned Addl. Session Judge-cum-Special Judge (POCSO), Jeypore for the alleged offences u/s. 376(2)(n)/376(3)/313/323 of IPC r/w section 4(2)/6 of POCSO Act, 2012.



2. That, the complainant has lodged FIR against the petitioner which has been registered as Jeypore Mahila PS Case No.197 of 2024 corresponding to GR Case No.1284 of 2024 pending in the Court of the learned Addl. Session Judge-Cum-Special Judge (POCSO), Jeypore for the offence punishable u/s 376(2)(n)/376(3)/313/323 of IPC r/w section 4(20/6 of POCSO Act, 2012.

3. That, we have settled our dispute outside the court in presence of local gentlemen and relatives and we have made an agreement of marriage on 27.01.2025, the petitioner and complainant are maintaining happy conjugal life as husband and wife. The petitioner and complainant are living happily. As per settlement the complainant/informant does not want to continue the proceeding in the court Learned Addl. Session Judge-cum-Special Judge (POCSO), Jeypore, further since we have already married each other and leading a happy conjugal life from the date of marriage.

4. That, we have settled the dispute outside the court and in view of such settlement and after marriage, the complainant will not proceed further against the petitioner and she will not depose evidence against the petitioner. She is leading very happy life with her husband.”

7. On query from the Court, the opposite party No.2, who is present in Court submits she has already married with the petitioner No.1 and leading a happy conjugal life. To save her marital life, she has entered into a settlement with the petitioners. Therefore, she does not want to prosecute the matter with the petitioners.

8. Learned counsel for the petitioner by relying upon the terms of settlement, joint affidavit and Rajinama submits that the case of the petitioner is directly covered by the judgment of this Court in ***Rojalin Rout and another vrs. State of Odisha and***



another in ***CRLMC No.3460 of 2023 and batch*** and the recent judgment of this Court in the case of ***Fayazuddin Khan @ Badal Khan vrs. State of Odisha and others*** in ***CRLMC No.3850 of 2024***.

9. Ms. Moharana, learned Additional Standing Counsel for the State submits that the petitioner is 25 years of old and the victim/opposite party No.2 is now 23 of age and both of them have already married and leading a happy marital life. To that effect, they have also filed a joint affidavit. To save the marital life of the opposite party No.2, this Court may give indulgence in the present matter as there is no legal impediment.

10. Regard being had to the fact that the parties have settled their dispute and the judgment of this Court in the case of the ***Rojalin Rout and another vrs. State of Odisha and another*** in ***CRLMC No.3460 of 2023 and batch*** and recent judgment in the case of ***Fayazuddin Khan @ Badal Khan vrs. State of Odisha and others*** in ***CRLMC No.3850 of 2024*** and keeping in view the judgment of this Court Hon'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 the rigors of the trial would be a futile exercise. Therefore, the petition deserves merit.

11. Accordingly, the criminal proceeding in connection with Jeypore Mahila P.S. Case No.197 of 2024 corresponding to G.R. Case No.1284 of 2024 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge (POCSO), Jeypore and the consequential proceedings arising therefrom qua the petitioner are quashed.

12. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified

Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 28-Mar-2025 14:01:34

