



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1046 of 2025

Papua @ Pitabas Malik

....

Petitioner(s)

Mr. P.C. Dash, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S.N. Biswal, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

24.03.2025

Order No.

01.

1. Heard.

2. The petitioner is an accused in Kendrapara Sadar P.S. Case No.415 dated 04.10.2022 corresponding to G.R. Case No.2029 of 2022 pending in the court of learned SDJM, Kendrapara.

3. The allegation against the petitioner is that the complainant alleged that on 03.10.2022 at about 6.00 P.M. his daughter, namely, Lizarani Behera went to the temple and not returned to her house. He and his relative searched her every possibility area but could not trace to his daughter. After one hour the accused told him over phone that he has kidnapped his daughter. Hence, the FIR.

4. After investigation, charge sheet in the present case has already been filed on 30.11.2022 for the alleged commission of offence punishable under Section 363 IPC. Before the trial could commence, the parties have entered into a settlement. The petitioner has already married to the victim and the victim has filed a



compromised affidavit dated 17.03.20025, inter alia stating as under:-

“2. That this case arises out of love and affection between the parties for which this CRLMC petition has been filed, however in the mean while the matter has been amicably compromised between parties including the victim and petitioner on being interference of the victim. The petitioner is married to the victim on dated 03.03.2025 in Om Sri Sri Austasambhu Mahadeva Parichalana Committee and now they are living happily. It is settled between the parties on account of compromise. Accordingly the two family members, victim and petitioner are having good terms to each other without any difficulties in any manner whatsoever.

3. That in view of the above premises I am the deponent/victim is no more interested to proceed with the criminal case against the petitioner in the present case in any manner whatsoever and hence prayed for if the entire criminal proceedings will be quashed or set aside against the petitioner, then I have no objection at all

4. That the fact stated above all are true to the best of my knowledge and belief and this affidavit is also free from any type of threat, coercion, undue influence in any manner whatsoever.”

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

6. On the query from the Court, opposite party no.2, who is present in Court states that she has already married to the petitioner and in order to save their happily conjugal life, she does not want to make any allegation against the petitioner. She further submits that her father has filed the complaint, as he is not happily with the alliance. The informant, the father of the opposite party no.2 victim



has not appeared before this Court. Hence, issue notice to opposite party no.3 by Registered Post/Speed Post with A.D., fixing short returnable date. Requisites shall be filed within three working days.

7. On the next date of hearing, the personal appearance of the victim-opposite party no.2 is exempted.

8. List this matter after two weeks. In the meantime, learned counsel for the State is directed to obtain instructions regarding the status of the case.

9. In the meantime, the proceeding in G.R. Case No. 2029 of 2022 arising out of Kendrapara Sadar P.S. Case No. 415 dated 04.10.2022 pending in the court of learned SJDM, Kendrapara is stayed.

(S.S. Mishra)
Judge

Ashok

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 25-Mar-2025 18:53:30

