

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1 of 2022

Tuna Rout @ Batakrushna Rout and Others Petitioners
Mr. A.R. Panda, Advocate

-Versus-

State of Odisha and Others Opposite Parties
Mr. Sidharth Shankar Mohapatra, ASC
Mr. S Rout, Advocate for O.P. Nos.2,3 & 4

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
14.10.2022

Order
No.
03.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the criminal proceeding in C.T. Case No.443 of 2020 corresponding to Balasore Sadar P.S. Case No.144 of 2020 pending in the file of learned J.M.F.C.(R), Balasore on the grounds of compromise.
3. Copy of the FIR which is at Annexure-1 is perused.
4. In fact, the informant lodged the FIR in connection with incident of 2020, whereupon, Balasore Sadar P.S. Case No.144 of 2020 was registered under Section 307 IPC and other allied offences, subsequent to which, the investigation was commenced.
5. Learned counsel for the petitioners submits that the investigation is still in progress.

6. Learned counsel for the petitioners further submits that there has been a settlement reached at between the parties which is supported by an affidavit i.e. Annexure-2 sworn by the informant, namely, opposite party No.2 filed before the learned J.M.F.C.(R), Balasore. It is also submitted that in connection with the fact of compromise, the informant as well as injured husband besides one Chandan Das, son of opposite party No.2 have filed affidavits in Court.

7. The Court perused the affidavits, wherefrom, it is revealed that the parties have reached at a settlement. The informant, namely, opposite party No.2 as well as her husband and son claimed about the compromise on account of the intervention of the well-wishers of both sides.

8. Informant and the injured husband besides their son, all three are present in the Court and produced their identity proof, such as, original Aadhar Cards for the Court's perusal.

9. On being asked, the informant, opposite party No.2 as well as opposite parties claimed about the compromise in the meantime. None of the petitioners are present. As per the FIR, the victim husband was allegedly assaulted by the petitioners by means of 'bhujali' etc. However, learned counsel for the petitioners submits that the injured husband of opposite party No2 did not receive any grievous injury. Opposite party No.2 husband is present in Court and on being asked submitted that he had only a fracture injury on his leg.

10. Having regard to the affidavits filed by the victim and his wife, namely, opposite party No.2 and their son, it is made to suggest that they have settled the differences with the petitioners.

Considering the circumstances under which the alleged incident happened which stands described in the FIR, copy of which is at Annexure-1 and the fact that there has been a compromise between the parties in the meanwhile, the Court is of the view that notwithstanding an offence under Section 307 IPC is alleged against the petitioners and since it is not compoundable in nature, the Court is of the opinion that in view of the settled position of law in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 and catena of decisions which followed thereafter, wherein, it has been held and observed that inherent jurisdiction may be invoked in peculiar facts and circumstances of a case and proceeding may be quashed, it is a fit case where such jurisdiction should be exercised in view of the compromise reached at between the parties.

11. Accordingly, it is ordered

12. In the result, CRLMC stands allowed. Consequently, criminal proceeding in C.T. Case No.443 of 2020 corresponding to Balasore Sadar P.S. Case No.144 of 2020 pending in the file of learned J.M.F.C.(R), Balasore is hereby quashed.

13. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge