

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2530 of 2010

Bhesaj Kumar Sahu and another **Petitioners**
Mr. S.K. Nayak-2, Advocate

-Versus-

State of Odisha and another **Opposite Parties**
Mr. P.K. Muduli, AGA
Mr. Chandana Das, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.04.2022

Order
No.

11. 1. Heard learned counsel for the petitioners and learned counsel for the informant, namely, O.P.No.2 as well as the State.
2. This is an application under Section 482 Cr.P.C filed at the instance of the petitioners with a prayer to quash the order of cognizance dated 3rd June, 2010 passed in G.R. Case No.529 of 2009 arising out of Bonai P.S. Case No.95 of 2009 on the grounds stated therein.
3. Gone through the FIR, a certified copy which is at Annexure-1.
4. The learned counsel appearing for the petitioners as well as opposite party No.2 submitted that there has been a compromise between both the sides. In fact, the affidavits filed by the petitioners and the informant are on record and perused by the Court.
5. It is submitted to the Court that the petitioners have been charge sheeted for offence(s) under Sections 294 and 506 read with 34 IPC and Section 3(1)(x) of the SC & ST (PA) Act. However, there has

been a compromise between the parties and according to the learned counsel appearing for the parties, the details of which have been mentioned in the affidavits.

6. Having regard to said development and considering the nature of offences alleged and notwithstanding the fact that the petitioners have also been charge sheeted under Section 3(1)(x) of the SC & ST (PA) Act but taking into account the affidavits on record in support of compromise and the fact that the parties have settled the dispute in the meantime, the Court is of the considered view that the criminal proceeding which is pending before the learned court below should be brought to an end.

7. Being conscious of the settled principle of law as to the powers and limitations of this Court by exercising inherent jurisdiction under Section 482 Cr.P.C. which has been reiterated in catena of decisions by the Supreme Court time and again more prominently in *State of Haryana and others Vrs. Ch. Bhajan Lal and others* reported in 1990 SCR Supp.(3) 259, the Court is of the humble opinion that to restore peace and amity and to retain cordial relationship between the parties, the criminal proceeding which has been at the instance of opposite party No.2 as against the petitioners should be quashed and accordingly, it is ordered.

8. In the result, application under Section 482 Cr.P.C. stands allowed. For the above reasons, the criminal proceeding in G.R. Case No.529 of 2009 arising out of Bonai P.S. Case No.95 of 2009 pending in the court of learned S.D.J.M., Bonai is hereby quashed and as a necessary corollary, the order of cognizance vide Annexure-2.

(R.K. Pattanaik)
Judge