

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1548 of 2012

Lulu @ Ranjan Kumar Patnaik

....

Petitioner

Mr. B. Nayak, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K.Pattnaik, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

11.03.2022

Order No.

07.

1. Heard learned counsel for the petitioner and opposite parties as well as the learned counsel appearing for the State.

2. This is an application under Section 482 of Cr.P.C. filed by the petitioner invoking inherent jurisdiction of this Court seeking to quash the criminal proceeding in G.R. Case No. 160 of 2011 arising out of Lalbag P.S. Case No. 16 of 2011 pending in the file of learned SDJM (S), Cuttack on the grounds stated therein.

3. Learned counsel for the petitioner submits that there has been a compromise between the parties which is supported by an affidavit filed by the opposite party No.2 and considering the fact that the alleged offences are not grievous in nature and the incident is of the year 2011, the criminal proceeding in G.R. Case No. 160 of 2011 should be quashed in order to meet the ends of justice.

4. Learned counsel for the opposite party No.2 is heard and he confirms the fact of compromise between both the sides by referring to the affidavit filed by the victim.

5. Mr. P.K.Pattnaik, learned AGA for the State has produced copy of a report of the Lalbag P.S. dated 11th March, 2022 indicating therein about the amicable settlement between the petitioner and the opposite party No.2 revealing that during inquiry, it was brought to the notice about the compromise report to have been destroyed during house burning. A copy of intimation with regard to alleged compromise by opposite party No.2 dated 11th March, 2022 sent to the IIC, Lalbag P.S. has also been produced for the Court's perusal.

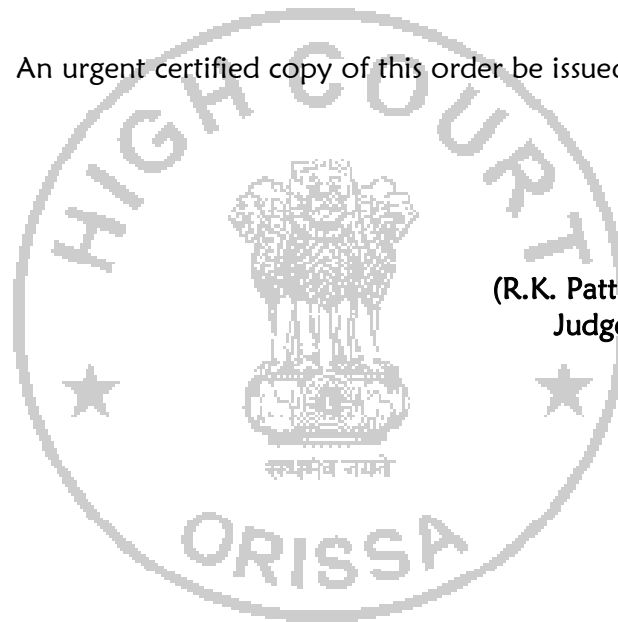
6. On the F.I.R. being lodged by opposite party No.2, Lalbag P.S. Case No. 16 dated 10.02.2011 was registered under Section(s) 341/323/354/294/506/34 IPC. Later to the registration of the case, it appears that the parties settled their differences which led to the filing an affidavit by the opposite party No.2 in this Court stating therein about the compromise between the parties. In fact, all the offences are triable by A Magistrate First Class, some of which are of course non-compoundable in nature.

7. Having regard to the settled position of law, as a reference may be had to a decision of the Supreme Court in the case of ***B. S. Joshi & Others Vs. State of Haryana & Another*** reported in (2003) 4 SCC 675, wherein, it has been observed that for non-compoundable offences since cannot be compounded under Section 320 Cr.P.C, the High Court may in exercise of its inherent jurisdiction quash the proceeding in order to secure the ends of justice. This Court is of the humble opinion that regard being had to the additional affidavit filed by opposite party No.2 and submissions of the learned counsel for the

respective parties including of the learned AGA, Mr. Pattanaik and taking into account the report dated 11th March, 2022 received from the IIC, Lalbag, P.S., Cuttack, in the fitness of things and particularly, in order to ensure restoration of peace and amity between the parties, inherent jurisdiction should be exercised to quash the proceeding in G.R. Case No. 160 of 2011 and accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 160 of 2011 pending in the court of learned SDJM (S), Cuttack is hereby quashed.

9. An urgent certified copy of this order be issued as per rules.



(R.K. Pattanaik)
Judge

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