

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3207 of 2010

Sitaram Panda & Another

....

Petitioners

Mr. P.R. Barik, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K. Mohanty, Advocate

Mr. K. Panigrahi, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

06.05.2022

Order
No.

08.

1. Heard learned counsel for the petitioners, learned counsel for O.P. No.2 and learned Additional Standing Counsel for the State.

2. Application under Section 482 Cr.P.C. is filed by the petitioners to quash the order dated 14th September, 2009 vide Annexure-3 for taking cognizance of the offences under Section(s) 294, 506, 354 read with 34 IPC and Section 3(1)(x)(xi) of the S.C. & S.T. (PA) Act on the grounds stated therein.

3. In the meantime, an affidavit has been filed by the O.P. No.2 stating therein that the matter between him and the petitioners have been settled.

4. The Court perused the affidavit filed by O.P.No.2. In fact, on the last occasion, this Court by an order dated 22nd April, 2022 had directed the learned counsel for the State to take instruction to ascertain on the veracity of the claim vis-a-vis compromise pursuant to the filing of the affidavit by O.P.No.2.

5. Mr. Mohanty submits that in fact a settlement between the parties has been reached at, in meanwhile, where after, the affidavit dated 18th April, 2022 appears to have been filed by the informant, namely, O.P.No.2.

6. Learned counsel for O.P.No.2 is present in Court today.

7. On bare perusal of the affidavit, it appears that on account of land dispute, the case was registered in the year, 2008. A counter case also filed by the other side. It has been brought to the notice of the Court that both sides have amicably settled the dispute due to intervention of the well-wishers and local gentries and since then, are living peacefully.

8. Taking into account the affidavit on record and submissions of the learned counsel appearing for the respective parties and in view of the fact that there has been a compromise between the parties and regard being had to the fact that the dispute to be civil in nature and parties filed case and counter case for the self same occurrence, the Court is of the considered that the criminal proceeding which is pending before the learned court below should be quashed in exercise of its inherent jurisdiction under Section 482 Cr.P.C. and accordingly, it is ordered.

9. In the result, the order of cognizance dated 14th September, 2009 vide Annexure-3 and the proceeding in G.R. Case No.157 of 2008 is hereby quashed.

10. The CRLMC stands disposed of accordingly.

11. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge