IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3101 of 2011

Panjulata Dei @ Panjulata Rout and others	....	Petitioners
		Mr. P.K. Nayak, Advocate
-Versus-		
State of Odisha and another	....	Opposite Parties
		Mr. A.N. Pradhan, ASC

CORAM:
JUSTICE R.K. PATTANAIK

ORDER

Order No. 07.01.2022

07. 1. Heard learned counsel for the petitioners and learned counsel for the State.

2. Instant application is filed under Section 482 Cr.P.C. for quashing of the order of cognizance under Annexure-2 which has been passed in I.C.C. Case No.14 of 2011 for the offences punishable under Section(s) 341, 294, 354, 323 read with 34 IPC on the stated grounds.

3. In fact, OP No.2 filed the complaint before the learned court below registered as I.C.C. Case No.14 of 2011, where after, his initial statement was recorded under Section 200 Cr.P.C. and enquiry was held in terms of Section 202 Cr.P.C. and finally, cognizance was taken under Annexure-2 legality and propriety of which is under challenge in the present application by invoking inherent jurisdiction of this Court.

4. Learned counsel for the petitioner submits that in the meantime, there has been compromise between the parties, which is supported by an affidavit dated 16.10.2017 filed by OP No.2. Learned counsel for OP No.2 being present in the Court supported the claim of settlement of the matter at the intervention of the well wishers of both the sides.

5. Annexure-3 is perused which reveals the circumstances under which the alleged occurrence took place as described by OP No.2 and another witness during enquiry held under Section 202 Cr.P.C. Originally, the application was filed on various grounds challenging the order of cognizance under Annexure-2 but as mentioned, the parties entered into a compromise and therefore, now have approached for quashing of the proceeding.

6. The Court perused the affidavit dated 16.10.2017 which is sworn by OP No.2, wherein, it has been stated that he and the petitioners belong to the same village and are neighbours and on account of a misunderstanding, the complaint was filed before the court below and in the meantime, the dispute was settled between them at the behest of the well wishers and expressed disinclination to proceed with the complaint.

7. Considering the above facts and regard being had to the compromise between the parties and taking into account the offences to be triable by a Magistrate and some of which are compoundable in nature, the Court is inclined to quash the proceeding pending before the court below and accordingly, it is ordered.

8. In the result, order of cognizance dated 07.02.2011 and the proceeding in I.C.C. Case No.14 of 2011 pending before the learned J.M.F.C. (R), Cuttack is hereby quashed in view of the compromise between the parties.

9. The CRLMC is accordingly disposed of.

(R.K. Pattanaik)
Judge

KC Bisoi