

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2663 of 2011

Gopa Krushna @ Gopala Chandra ***Petitioner***
Nayak

versus-

State of Orissa and others ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
31.03.2022

06. 1. This matter is taken up through hybrid mode.
2. Heard, the learned counsel appearing for the Petitioner, learned counsel for the State-Opposite Party No.1 and the learned counsel appearing for the Opposite Parties No.2 & 3. The Petitioner and Opposite Parties Nos.2 & 3 in person appear through hybrid mode and file their respective documents in support of their identity. The same be kept on record.
3. This application under Section 482 of Cr.P.C. has been filed with a prayer to quash the order dated 4th April, 2011 passed by the learned J.M.F.C., Pipili in G.R. Case No.534 of 2008 taking cognizance of the offences under Sections 458, 354 and 323 of the I.P.C. read with Section 3 of the S.C. & S.T. (PoA) Act, as well as the entire proceeding.
4. On being asked to the Opposite Parties No.2 and 3, they stated that the dispute with the present Petitioner has already been amicably settled outside the Court with a view to end the litigation. In this regard, a joint affidavit has been filed.

5. Relying on a decision of the Apex Court in the case of ***Gian Singh vrs. State of Punjab***, reported in (2012) 10 SCC 303, the learned counsel for the parties submit that the parties having already amicably settled their disputes outside the Court, the present CRLMC should be allowed and the impugned order taking cognizance and also the proceeding in G.R. Case No.534 of 2008 pending in the Court of the learned J.M.F.C., Pipili be quashed.

6. Reverting to the case at hand, it appears that the offences alleged are trivial in nature, the parties having amicably settled the matter and trial in this case is yet to be begun, the chance of conviction hereafter is bleak one. In such premises, when the parties have amicably settled the matter outside the Court, this Court is of the view that continuance of the prosecution hereinafter would be a seer abuse of the process of the court of law. Accordingly, taking note of the said compromise between the parties and the law laid down in the case of *Gian Singh* (supra), this Court quash the impugned order as well as the prosecution initiated against the Petitioner in G.R. Case No.534 of 2008 on the file of the J.M.F.C., Pipili. The learned J.M.F.C., Pipili or the Court in seisin over the matter shall on receipt of this order/production of the certified copy of this order, close the proceeding in the aforesaid case in compliance to this order.

7. This CRLMC is accordingly allowed.

(S. Pujahari)
Judge

DA