

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2400 of 16

Gania @Srinibas Behera & Others

.... Petitioners

Mr. A.K.Sahoo , Advocate

-Versus-

State of Odisha & Others

.... Opposite Parties

Mr. Tapas Ku.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.09.2022

Order No.

05.

1. Heard learned counsel for the petitioners and learned ASC for the State.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in C.T. Case No. 192 of 2015 arising out of Kanpur P.S. Case No. 62 of 2015 pending in the court of learned JMFC, Narasinghpur on the ground of compromise.
3. Learned counsel for the petitioners submits that there has been a compromise between the parties and refers to Annexure-2, a copy of an affidavit. It is further submitted that no one received any injury during and in course of the alleged occurrence and while claiming so, learned counsel for the petitioners relies upon Annexure-3

series. It is contended that in the meantime, the parties have settled the matter and are having cordial relationship and therefore, the criminal proceeding which is pending before the learned court below should be quashed in the interest of justice.

4. Learned counsel for the State Mr. Praharaj also admits the fact of compromise as he received instruction from the I.O. in that regard.

5. The Court finds that later to the lodging of the F.I.R., Kanpur P.S. Case No. 62 of 2015 was registered with one of the offences alleged to be under Section 307 IPC. However, considering the medical reports as at Anneuxre-1 series, no one apparently found to have received any injury. In fact, the victim who has been examined only complained of pain and did not have any external injury noticed at the time of his medical examination. In view of the compromise reached at between the parties which are again confirmed by the learned counsel for the informant, the Court is of the view that the criminal proceeding pending before the court of learned JMFC, Narasinghpur in C.T. Case No. 192 of 2015 should be quashed in the interest of justice.

6. The Court is aware of the settled position of law laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 with regard to the exercise of inherent jurisdiction Section 482 of Cr.P.C. and considers that it is a fit case where inherent jurisdiction should be exercised so as to terminate the proceeding pending before the court of learned JMFC, Narasinghpur.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed.

9. Consequently, the criminal proceeding in C.T. Case No. 192 of 2015 arising out of Kanpur P.S. Case No. 62 of 2015 pending before the court of learned JMFC, Narasinghpur is hereby quashed.

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

(R.K. Pattanaik)
Judge

kabita

