

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.463 of 2013

Kailash Chandra @ Chand Sinha and
others

Petitioners

Mr. B.K. Ragada, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K. Rout, AGA

M/s. T. Sinha, Advocate for O.P. No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.08.2022

Order
No.

10. 1. Heard learned counsel for the parties.
2. Petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of cognizance dated 7th January, 2012 passed in G.R. Case No.335 of 2010 by the learned S.D.J.M., Nuapada on the grounds stated therein.
3. Perused the FIR i.e. Annexure-2.
4. Learned counsel for the petitioners submits that in the meantime, there has been an amicable settlement of dispute between the parties and compromise has been arrived which is revealed from the affidavit dated 12th July, 2019 which is at Flag-B. It is further submitted that all the offences are triable by a Magistrate First Class and compoundable in nature except offence under Sections 327 and 506 IPC but considering the fact that the parties have settled and reached at a compromise at the intervention of well-wishers as revealed from the affidavit, criminal proceeding in

G.R. Case No.335 of 2010 should be quashed in the interest of justice. The learned counsel for opposite party No.2 is present and she also confirms the Court regarding the alleged compromise and refers to the affidavit filed by the informant himself.

5. On a perusal of the affidavit filed by the opposite party No.2, it appears that he has compromised the matter with the petitioners and amicably settled the differences out of the Court and also expressed his unwillingness to pursue the case having no objection either in the event the proceeding is quashed by this Court.

6. Being conscious of the settled position of law in **State of Haryana and another vs. Ch. Bhajan Lal and another reported 1992 AIR 604**, wherein, the Apex Court held that a certain situations where any need is felt by the Court to exercise the jurisdiction under Section 482 Cr.P.C., it may be exercised which also on the depends on the facts and circumstances each particular case. In the present case since there is a compromise and majority of the offences are compoundable in nature and the fact that the informant, namely, opposite party No.2 filed an affidavit to that effect, the Court is of the view that no worthy purpose should be served to allow the proceeding to continue before the court below and therefore, it should be quashed.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. As a corollary, the criminal proceeding in G.R. Case No.335 of 2010 pending in the file of learned S.D.J.M., Nuapada is hereby quashed.

(R.K. Pattanaik)
Judge