

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2054 of 2011

Khadal Panda & Others

....

Petitioners

Mr. K. Panigrahi, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K. Mohanty, Advocate

Mr. P.R. Barik, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

06.05.2022

Order
No.

08.

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

2. Application under Section 482 Cr.P.C. is filed by the petitioners to quash the order dated 5th February, 2011 vide Annexure-6 for taking cognizance of 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. However, 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 and to ascertain the veracity as to the claim of 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 arrived at, where after, the affidavit dated 18th April, 2022 appears to have 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 reading of the affidavit, it appears that on account of land dispute, the case was registered in the year, 2008 and a counter case was also filed by the other side. As has been brought to the notice of the Court through the affidavit, both sides said to have amicably settled the dispute due to intervention of the well-wishers and local gentries and since then, they 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 compromise between the parties in the meanwhile and regard being had to the fact that the dispute to be civil in nature and parties filed cases against each other for the self same occurrence, the Court is of the considered view 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. to restore peace and amity between the parties and accordingly, it is ordered.

9. In the result, the order of cognizance dated 5th February, 2011 under Annexure-6 and the proceeding in G.R. Case No.156 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