

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 39 of 2014

Sk. Allauddin and others

....

Petitioners

Mr. Susanta Kumar Tripathy, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. T.K. Praharaj, SC, OP No.1

Mr. Gopal Krishna Nayak, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

22.09.2022

Order No.

06.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State and learned counsel appearing for opposite party No.2.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners praying for quashing of the order of cognizance dated 9th April, 2013 passed by the learned J.M.F.C., Jajpur Road in G.R. Case No.136 of 2013 on the grounds stated therein.

3. Learned counsel for the petitioners submits that the FIR was lodged and consequently, Korai P.S. Case No.20(3) of 4.2.2013 under Sections 341/323/325/379/506/34 of IPC was registered and after completion of investigation, the chargesheet was submitted under Sections 341/323/506/34 IPC against the petitioners. The learned counsel for the petitioners submits that in the meantime they have compromised the matter between themselves as the informant happens to be the son-in-law of petitioner No.1 and after

the incident took place on 4th February, 2013, he lodged the FIR against the petitioners. The learned counsel for the petitioners refers to an affidavit which is in fact sworn by petitioner No.1 and the informant, who are also present in Court today and admits the fact of compromise.

4. Mr. Praharaj, learned Standing Counsel for the State submits that the offences under which the case has been registered are more or less compoundable in nature and the informant was assaulted but he received some injuries which are not grievous in nature and he also confirms the same on receiving instruction from the local police. The Court perused the joint affidavit filed by the parties, namely, petitioner No.1 and opposite party No.2, wherein, it is indicated that the matter has been settled between them with the help of village gentries and well-wishers.

5. In view of the aforesaid development, the Court is of the view that to restore peace and cordial relationship between the parties, the criminal proceeding in G.R. Case No.136 of 2013 pending in the court of learned J.M.F.C., Jajpur Road should be quashed in exercise of inherent jurisdiction under Section 482 Cr.P.C.

6. The Court is aware of the settled position of law regarding termination of proceedings vis-à-vis the parties involved in civil and matrimonial disputes where the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 held that such jurisdiction may be exercised by the High Court taking into account the facts and circumstances of a case. Having said so, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised to quash the proceeding pending before the court below. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the proceeding in G.R. Case No.136 of 2013 pending in the court of learned J.M.F.C., Jajpur Road is hereby quashed.

8. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

