

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.552 of 2014

Rama Chandra Nayak and another **Petitioners**
Mr. R.K. Swain, Advocate

-Versus-

State of Orissa and another **Opposite Parties**
Mr. M. Mishra, ASC
Mr. A. Mohanty, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.08.2022

Order
No.

05. 1 Heard learned counsel for the petitioners and learned counsel for the State.
2. This is an application under Section 482 Cr.P.C. for quashing of the criminal proceeding in S.T. Case No.86 of 2007 pending in the court of learned 1st Additional Sessions Judge, Cuttack on the ground that there has been a compromise between the parties in the meantime, in support of which an affidavit is filed in Court today by the learned counsel appearing for opposite party No.2, namely, the informant.
3. On perusal of the record, it is revealed that the FIR was lodged by opposite party No.2, as a result of which, Baramba P.S. Case No.190 dated 6th December, 1998 was registered under Section 325 IPC and other offences and thereafter, the petitioner was charge sheeted. In fact, one of the accused persons, as submitted by the

learned counsel for the petitioners, faced trial in S.T. Case No.86 of 2007 under the alleged offences including the Section 3 of the SC & ST (PA) Act and subsequently, was acquitted by judgment dated 5th September, 2007 but thereafter, the compromise was arrived at between the parties. The learned counsel appearing for opposite party No.2 admits the fact of compromise which is stated in the affidavit filed by the informant himself. The said affidavit is perused by the Court and also Annexure-2 which is a certified copy of the judgment dated 5th September, 2007 in S.T. No.86 of 2007. The Court finds that the parties have settled their differences in the meantime on account of the compromise which is evident from the affidavit filed by opposite party No.2.

4. In view of the submissions of the learned counsel appearing for the respective parties, Annexure-2 which is an order of acquittal vis-a-vis accused, namely, Pahali @ Prahallad Nayak and taking into account the affidavit filed today by the informant/opposite party No.2, the Court finds that the matter is settled between the parties and therefore, no purpose would be served to allow continuation of the criminal proceeding in S.T. No.86 of 2007 arising out of G.R. Case No.192 of 1998 corresponding to Baramba P.S. Case No.190 of 1998 which is therefore required to be quashed in the interest of justice keeping in view the settled position of law as laid down by the Apex Court in plethora of cases and one being **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** decided on the principles set out in **State of Haryana and others Vrs. Ch. Bhajan Lal and others 1990 SCR Supp.(3) 259**.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands allowed. Consequently, the proceeding vis-à-vis G.R. Case No.192 of 1998 arising out of Baramba P.S. Case No.190 of 1998 is hereby quashed.

7. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

