

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4675 of 2014

Ramesh Das

....

Petitioner

Mr. A.K. Sahoo, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. S.N. Das, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

22.07.2022

Order
No.

09. 1. Heard learned counsel for the petitioner, learned ASC for the State and learned counsel for opposite party Nos.2 and 3.
2. This is an application under Section 482 Cr.P.C. for quashing of the criminal proceeding in S.T. Case No.57 of 2014 which corresponds to G.R. Case No.1067 of 2012 pending in the file of learned Sessions Judge, Kendrapara on the ground of compromise between the parties.
3. An FIR was lodged, whereupon, Sadar Kendrapara P.S. Case No.181 dated 4th January, 2012 was registered under Sections 450 and 394 IPC. In fact, the informant alleged that on the date of occurrence while his wife was alone at home and engaged in household work, at that time, the petitioner arrived, went inside the house and snatched away gold chain from her neck and then managed to flee from the spot.

4. Learned counsel for the petitioner submits that there has been a compromise between the parties in support of which an affidavit has been filed by opposite party Nos.2 and 3. Learned counsel for the opposite party Nos.2 and 3 submits that on account of such a compromise, the dispute stood resolved. The Court perused the affidavit filed by the opposite party Nos.2 and 3 and finds that they have settled the matter on the intervention of the village men and well-wishers and presently leaving peacefully and hence expressed unwillingness to proceed with the case pending before the court below. Mr. Das, learned ASC submits that one of the offences under Section 294 IPC to be non-compoundable in nature.

5. The petitioner is found to be a co-villager whose name has been mentioned in the FIR and he alleged to have committed the overt act of snatching away gold ear ring from the neck of informant's wife. Even though, it is a case of robbery but then, it appears that the parties are known to each other being the residents of one village. From the affidavit, it further appears that the village gentries settled the dispute between the parties with regard to the alleged occurrence. Even though one of the offence under Section 394 IPC is non-compoundable, the Court is of the opinion that on account of the settlement reached at and as the petitioner is a co-villager and there has been settlement between them, the inherent jurisdiction should be exercised to quash the proceeding pending before the court below in order to restore peace and amity and to sustain a cordial relationship between them.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in S.T. Case No.57 of 2014 arising out of G.R. Case No.1067 of 2012 pending in the file of learned Sessions Judge, Kendrapara is hereby quashed.

(R.K. Pattanaik)
Judge



TUDU