

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 203 of 2022

Sushanta Badajena

....
Mr. S.K. Bhanjadeo, Advocate

Petitioner

-Versus-

State of Odisha and others

....
Mr. S.S. Mohapatra, ASC, O.P. No.1
Mr.Partha Sarathi Das, O.P. Nos.2 and 3

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
26.08.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for opposite party Nos.2 and 3.
2. The present petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the criminal proceeding in connection with Jankia P.S. Case No.220 of 2021 corresponding to G.R. Case No.1183 of 2021 pending in the file of learned S.D.J.M., Khurda, on the grounds stated therein.
3. Perused the FIR under Annexure-2 and also the statement of the victim girl, namely, opposite party no.3 under Annexure-3 recorded under Section 161 Cr.P.C.
4. Learned counsel for the petitioner submits that although FIR was lodged but then from the statement of victim girl, namely, opposite party No.3 recorded under Section 161 Cr.P.C. it is revealed that no mischief or any provocative act has been alleged against the petitioner and in the meantime the matter has been settled between the parties on the basis of compromise, in respect

of which, opposite party no.2 filed an affidavit and considering the aforesaid development, the criminal proceeding pending before the court below should be quashed in the interest of justice.

5. Learned counsel for the opposite party Nos.2 and 3 is present in Court and confirms the fact of settlement between the parties.

6. On perusal of the FIR, it appears that on the date of the incident, the victim was kidnapped whereafter Jankia P.S. Case No.220 of 2021 was registered under Section 363 IPC. The statement of the victim was also recorded under Section 161 Cr.P.C., which suggests that the petitioner did not commit any mischief or overt act against her and she was released without any harm. The victim also did not allege anything adverse against the petitioner. In anyways, parties have now reached at a settlement. Further, victim, namely, opposite party No.3 is aged about 22 years and filed an affidavit stating that the dispute between the two families have been resolved in the meantime.

7. Considering the affidavits of opposite party Nos.2 and 3 and the fact that both the parties have compromised the matter, the Court is of the view that the criminal proceeding which arises out of Jankia P.S. Case No.220 of 2021 should be quashed. The Court is aware of the law laid down by the Hon'ble apex Court while quashing the proceeding u/s.482 Cr.P.C. on the basis of compromise entered into between the parties. Accordingly, it is ordered.

8. The CRLMC application stands allowed.

9. Consequently, the criminal proceeding in G.R. Case No.1183 of 2021, corresponding to Jankia P.S. Case No.220 of 2021 pending in the file of learned S.D.J.M., Khurda is hereby quashed.

(R.K. Pattanaik)
Judge