

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5956 of 2014

Banambar Pradhan and others

Petitioners

Mr. P. Sahoo. Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. A.P.Das, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.06.2022

Order
No.

- 04.
1. Heard learned counsel for the petitioners and learned counsel for the opposite party No.1 State. None appears for O.P.No.2.
 2. This is an application under Section 482 Cr.P.C. to quash the criminal proceeding in C.T. Case No.1040 of 2014 arising out of Lingaraj P.S. Case No.58(18) dated 17th March, 2014 pending in the file of learned S.D.J.M., Bhubaneswar on the ground that the parties have amicably settled the dispute and at present, living peacefully on account of compromise.
 3. As revealed from the record, FIR dated 17th March, 2014 was lodged by O.P.No.2 alleging therein the fact that at the time of occurrence, the accused persons abused him and his friends and threatened them with dire consequences. The details of incident that happened on 20th March, 2014 have been described in the FIR.

Consequent upon lodging of FIR, Lingaraj P.S. Case No.58 (18) dated 17th March, 2014 was registered under Sections 341, 294, 354, 506 read with 34 IPC. It is, however, pleaded that the parties thereafter settled the differences in presence of their families and village men and a compromise was arrived at in support of which an affidavit (Annexure-2) was sworn by O.P.No.2 and filed before this Court and in view of such settlement, the proceeding should be quashed in the interest of justice.

4. Learned counsel for the petitioners submits that in other cases there is compromise between the parties and similarly, affidavits have been filed by the O.P.No.2. Mr. Das, learned Additional Standing Counsel admits the fact that there has been a compromise which is evident from the affidavit of O.P.No.2 in all the cases. However, a formal objection is raised despite a compromise in view the fact that the case involves an offence under Section 3 SC & ST (PA) Act.

5. The Court perused the affidavit filed by O.P.No.2 which is at Annexure-2. It is stated in the affidavit there was a misunderstanding and because of an old dispute in the village, the FIR was lodged and as a result, Lingaraj P.S. Case No.58 (18) of 2014 was registered. It is further stated that both sides have amicably settled the dispute in presence of Sarpanch, families and others and are living peacefully in the village.

6. Having regard to the above facts and submissions of learned counsel appearing for the parties and taking into account the affidavit filed by O.P.No.2 and being conscious of the settled position of law as enunciated by the Supreme Court case in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 that if there is a civil dispute or any dispute of similar nature in order to

secure ends of justice, if there be a need felt by the Court, inherent jurisdiction under Section 482 Cr.P.C. may be exercised. The incident is of the year 2014 and in so far the settlement which has been arrived at also appears to be of the same year. Having regard to the above and the fact of compromise between the parties, in order to restore peace in the village and ensure that the parties maintain a cordial relation, the Court is of the opinion that the criminal proceeding pending before the learned S.D.J.M., Bhubaneswar should be quashed in the interest of justice.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. As a necessary corollary, the impugned proceeding in C.T. Case No.1040 of 2014 arising out of Lingaraj P.S. Case No.58(18) dated 17th March, 2014 lying in the file of learned S.D.J.M., Bhubaneswar is hereby quashed.

(R.K. Pattanaik)
Judge