

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4261 of 2015

Sudama Singh Verma

.... **Petitioner**
Mr. R.K.Mallick , Advocate

-Versus-

State of Odisha & Another

.... **Opposite Parties**
Mr. Sonak Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.08.2022

Order No.

- 04.
1. Heard learned counsel for the petitioner and learned ASC for the State as well as the learned counsel for opposite party No.2.
 2. Instant petition Section 482 Cr.P.C. is filed by the petitioner for quashing of the F.I.R. in Choudwar P.S. Case No.90 of 2015 and entire proceeding in G.R. Case No. 512 of 2015 pending before the court of learned J.M.F.C.(R), Cuttack on the grounds stated therein.
 3. Learned counsel for the petitioner as well as opposite party No.2 submits the Court that there has been amicable settlement between both the sides in the meantime and on that ground, the proceeding which is pending before the court below should be terminated. While contending so, a copy of the affidavit sworn by the informant/opposite party No.2 stated to have been filed before court below as at Annexure-2 is referred to in order to suggest that the parties amicably settled the matter due to intervention of local

gentries. It is submitted to the Court that the dispute between the parties was regarding transfer of a vehicle but then, in view of the settlement, the same has been released in favour of the petitioner by the orders of the court below.

4. After the F.I.R. was lodged, the case was registered under Section 420 IPC and other offences, some of which are compoundable in nature except Sections 420 & 506 IPC besides Section 471 IPC. However, considering the affidavit i.e. Annexure-2 and its confirmation by the learned counsel for the petitioner as well as the opposite party No.2 regarding compromise between the parties, the Court is of the opinion that in view of such development, the proceeding which is pending before the court below should be brought to an end. It is the settled position of law as enunciated by the Supreme Court more prominently in one of its decisions in **State of Haryana and another vs. Ch. Bhajan Lal and another AIR 1992 SC604**, under certain circumstances, jurisdiction under Section 482 Cr.P.C. may be exercised. However, decision in that respect shall have to be taken keeping in view the nature of allegations made and other attending factors. In the instant case, since the dispute was between the parties regarding transfer of a vehicle and in the meantime, there has been a settlement notwithstanding the fact that some of the offences are not compoundable in nature, the Court is of the opinion that in order to restore peace and cordial relationship between the parties, jurisdiction under Section 482 Cr.P.C. should be exercised.

5. Having regard to the above facts and submissions of the learned counsel for the petitioner and opposite party No.2, the Court is inclined to quash the proceeding in view of the compromise reached at between the parties.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 512 of 2015 arising out of Choudwar P.S. Case No.90 of 2015 pending before the learned court of J.M.F.C.(R), Cuttack is hereby quashed.

(R.K. Pattanaik)
Judge

kabita

