

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5170 of 2014

Archana Patra and others Petitioners
Mr. S.P. Mishra, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. D.R. Parida, ASC

CORAM:
JUSTICE R.K.PATTANAİK

ORDER
25.03.2022

Order No.

08.

1. Present application under Section 482 Cr.P.C. is filed by the petitioners assailing order of cognizance dated 19th December, 2012 and also for quashing of the criminal proceeding in G.R. Case No.49 of 2011 arising out of Banki P.S. Case No.35 of 2011 pending in the file of learned S.D.J.M., Banki on the grounds stated therein.

2. Heard learned counsel for the petitioners, learned ASC for the State and learned counsel appearing for O.P.No.2.

3. In fact, O.P.No.2 lodged the FIR, where after, Banki P.S. Case No.35 was registered but at the end of investigation, a final report was submitted against which a protest petition was filed by her, whereupon, the learned court below took cognizance of the offences punishable under Section(s) 294, 323, 379 and 354 read with 34 IPC and Section 3 of the SC & ST (PA) Act.

4. It is contended by learned counsel for the petitioners that though on the original grounds, the cognizance order was challenged but in the meantime, there has been a compromise between the parties which is supported by an affidavit filed by O.P. No.2 herself and joint affidavit filed by her along with the petitioners which have been produced in the Court today. The learned counsel for O.P.No.2 supports the above claim regarding compromise having been reached at between the parties.

5. O.P.No.2 filed an affidavit dated 23rd March, 2022 stating therein about a settlement was arrived at between her and the petitioners on the intervention of local gentries and therefore, she has no objection, if the case is quashed. Furthermore, a joint affidavit is filed by the parties reiterating the fact of compromise and settlement stating that they are living peacefully since then. The above affidavits filed by the parties jointly and independently by O.P.No.2 clearly suggested about the settlement of the dispute on the intervention of well wishers and local gentries.

6. In so far, the offences under IPC are concerned, majority of them are compoundable in nature. The petitioners are also stand charge sheeted under Section 3 SC & ST (PA) Act. Since some of the offences are not compoundable, the learned counsel appearing for the parties, therefore, prayed to quash the proceeding in view of the above development claiming it to be necessary in the interest of justice.

7. Having regard to the above facts and considering the alleged compromise and being alive to the settled position of law as enunciated by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, the

Court is inclined to quash the proceeding in the best interest of the parties and accordingly, it is ordered.

8. In the result, application under Section 482 Cr.P.C. stands allowed. Consequently, the criminal proceeding in G.R. Case No.49 of 2011 pending before the court of learned S.D.J.M., Banki is hereby quashed.

(R.K.Pattanaik)
Judge

Tudu

