

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.917 of 2017

Prafulla Rout @ Pradhan and others *Petitioners*
versus-
State of Odisha and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
15.03.2022

08. 1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioners and the learned counsel for the State.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order of cognizance dated 4th May, 2016 passed by the learned J.M.F.C., Khandapada in G.R. Case No.26 of 2016.
4. As it appears, the matter arises out of the dispute with regard to cruelty to the lamb of the victims. The Petitioners thereafter stated to have abused the victims, so also extended threat them to set fire their house and in the night, Petitioners burnt the paddy stake of the Informant in the village. The victims belong to S.C. & S.T. category. The case has been registered for alleged commission of offence punishable under Sections 294, 429, 506 read with Section 34 of the I.P.C. and Section 3(i)(x) of the S.C. & S.T. (PoA) Act wherefrom cognizance has been taken.

5. The Informant (Opposite Party No.2), Victims, namely, Jaga Naik and Kalabati Naik and three Petitioners, out of five Petitioners, in person are present in Court with the proof of their identity and also duly identified by their advocate and they have filed a joint affidavit indicating therein that they do not want to proceed further in this case due to amicable settlement.

6. Police report has already been received by the learned counsel for the State, which is filed in this Court indicating therein that the parties have compromised the matter.

7. It appears that the matter arises out of trivial incident and the offences alleged are not serious in nature. The parties have settled the matter amicably without threat and coercion on the victim. In such backdrop, the chance of conviction hereinafter is bleak one. In such premises, when the parties have amicably settled the matter outside the Court, this Court is of the view that continuance of the prosecution hereinafter would be abuse of the process of the court.

8. I would, therefore, allow this Criminal Misc. Case and quash the impugned order of cognizance and the proceeding against the Petitioners. The learned J.M.F.C., Khandapada or the Court in seisin over the matter shall on receipt of this order/production of the certified copy of this order, close the proceeding in the aforesaid case in compliance to this order.

9. However, if any warrant has already been issued against the Petitioners, the same shall be immediately recalled.

10. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA

