

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.367 of 2022

***Ranjan Kumar@Rajani Kanta Petitioner
Mohanty***

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha and another Opposite Parties

Miss S. Mishra, A.S.C.

Ms. T. Sinha, Advocate for O.P. No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

05.05.2022

Order No.

02.

1. Heard Mr. B.K. Ragada, learned counsel for the Petitioner, Miss S. Mishra, learned A.S.C. for the State-Opposite Party No.1 and Ms. T. Sinha, learned counsel for Opposite Party No.2.

2. The Petitioner by invoking the inherent jurisdiction of this Court has prayed for quashing of the criminal proceeding in C.T. Case No.2799 of 2019 pending in court of learned S.D.J.M, Bhubaneswar.

3. The facts of the case goes to the effect that on the allegations of the informant-Opposite Party No.2, Badagada P.S. Case No.141, dated 21.06.2019 has been registered for alleged commission of offences under Sections 448/506/323/34, I.P.C. against the present Petitioner. The learned S.D.J.M, Bhubaneswar took cognizance for the aforesaid offences in C.T. Case No.2799 of

2019. It has been averred by the Petitioner that the case arose out of family dispute and the matter has been amicably settled between the parties. In supporting this contention, present Opposite Party No.2-informant has filed an affidavit on 04.05.2022 stating that he and the Petitioner have compromised and settled the matter on intervention of the local gentries and he does not want to continue with the criminal case anymore.

4. Learned counsel for the Opposite Party No.2 tendered his concession in the light of the affidavit sworn by Opposite Party No.2 and submitted that the parties have compromised their differences and that they don't have any more grievance against each other. Learned counsel for the Petitioner submits that in view of the compromise, as the informant is not interested to proceed with the case further, there would be very remote and bleak chance of conviction against the Petitioner.

5. Having analyzed the averments and submissions made by both parties and considering the law settled on the score of quashing of proceeding on compromise, particularly the principles laid down by the Hon'ble Supreme Court in the case of ***Gold Quest International Private Limited vs. State of Tamil Nadu and others***, reported in (2014) 15 SCC 235, I am of the humble view that further continuance of the criminal case in question would be an abuse of process of law. Accordingly, the proceeding in C.T. Case No.2799 of 2019 pending in the court of learned S.D.J.M., Bhubaneswar is quashed in the interest of justice.

6. Accordingly, the CRLMC is disposed of as allowed.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

