

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 382 of 2022

Pankaj Charan Sahoo & Others Petitioners
Mr. Bibhuti Keshari Biswal, Advocate

-Versus-

State of Odisha & Another Opposite Parties
Mr. S.S. Mohapatra, ASC
Mr. Ramesh Ku.Sahu, Advocate
and Mr. S.Pati, Advocate, for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
24.08.2022

Order No.

07. 1. Heard learned counsel for the petitioners and learned ASC for the State as well as the learned counsel appearing opposite party No.2.
2. This is an application under Section 482 of Cr.P.C. filed by the petitioner challenging the order of cognizance dated 28th January, 2016 in C.T. Case No 203 of 2013 pending in the court of learned J.M.F.C., Narasinghpur for having taken cognizance of the offences under Section 427 IPC and other offences besides Section 3(1)(v)(x) SC/ST(PA) Act on the grounds stated therein.
3. Perused the F.I.R.
4. Learned counsel for the petitioners submits that there has been a compromise between the parties in the meantime in support of which an affidavit has been filed by opposite party No.2 and in such view of the matter, the proceeding should be quashed in the interest of justice. It is further submitted that the incident was outcome of a

village dispute with regard to felling trees over the forest land and during the incident, some mischief and overt acts alleged to have been committed by the petitioners, as a result of which, the F.I.R. was lodged and the case was registered in the year 2013 but having regard to the subsequent development as to the compromise, the proceeding should be terminated in exercise of the Court's inherent jurisdiction.

5. The fact of compromise is revealed from the affidavit by opposite party No.2. The learned counsel for the State submits that during the incident, the accused persons said to have assaulted the informant and many others as made to appear from the F.I.R. itself.

6. Though, initially, Narasinghpur P.S. Case No. 145(12) dated 14th November, 2013 was registered for offence under Section 307 IPC with other allied offences but then, the charge sheet was not submitted under the said offence. Almost nearly a decade before the incident happened and in the meantime, the parties are resolved the dispute on account of the compromise which has been reached at amicably. The learned counsel for opposite party No.2 confirms the fact regarding the compromise and also refers to the affidavit filed by the informant.

7. Considering the affidavit filed by opposite party No.2, the fact of compromise which is revealed therefrom and since it was on account of a village dispute and large number of men found to be involved and in relation to a forest land for felling trees, the Court is of the opinion that in view of the amicable settlement between the parties, no worthy purpose would be served to continue the proceeding and therefore, it should be terminated exercising inherent jurisdiction being alive to the settled position of law as enunciated by the Apex Court in **State of Haryana and another Vrs.Ch. Bhajan Lal and another** reported in AIR 1992 SC604.

8. Accordingly, it is ordered.
9. In the result, CRLMC stands allowed. As corollary, the criminal proceeding in C.T. Case No. 203 of 2013 arising out of Narasinghpur P.S. Case No. 145 of 2013 pending in the file of the learned J.M.F.C., Narasinghpur is hereby quashed.
10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge



