

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.440 of 2022

Manu @ Manoj Parida @ Manoj
Kumar Parida and another

....

Petitioners

Mr. A. Tripathy, Advocate

-Versus-

State of Orissa and another

....

Opposite Parties

Mr. T.K. Praharaj, SC

**CORAM:
MR. JUSTICE R.K. PATTANAIK**

**ORDER
23.08.2022**

Order
No.

04. 1 Heard learned counsel for the petitioners and learned counsel for the State.
2. The challenge is to the criminal proceeding which has been initiated at the behest of the informant corresponding to Khandapada P.S. Case No.12 of 2014 and with regard to G.R. Case No.27 of 2014 pending in the file of learned J.M.F.C., Khandapada on the grounds stated therein.
3. Perused the FIR and other connected documents including the charge sheet which is at Annexure-2.
4. Learned counsel for the petitioners submits that initially complaint was filed which was turned to G.R. Case No.27 of 2014 registered for offences under Sections 376 and 511 IPC with allied offences besides Section 3 SC & ST (PA) Act but subsequently vide

Annexure-2, the petitioners have been charge sheeted under Section 354 and allied offences including offence under the SC & ST (PA) Act but in the meantime, there has been a compromise between the parties which is at Flag-B filed in the shape of an affidavit sworn by informant, namely, opposite party No.2 and considering the above facts and the circumstances under which the alleged mischief was committed and settlement reached at, the criminal proceeding in G.R. Case No.27 of 2014 should be quashed in the interest of justice.

5. The informant is present in Court today and submits original Aadhar card in support of identity proof and the same is perused and on being asked, she claimed about the compromise between her and the petitioners.

6. Learned counsel for the State also confirms regarding alleged compromise between the parties as intimated by the concerned P.S.

7. Having regard to the affidavit filed by opposite party No.2 and subsequent filing of charge sheet vide Annexure-2 for an offence under Section 354 read with Section 34 IPC besides other offences including Section 3 SC & ST (PA) Act, when originally offence under Sections 376 and 511 IPC was alleged and considering the recent development of settlement between the parties, the Court is inclined to quash the criminal proceeding pending before the court below. Furthermore, keeping in view the settled position of law as laid down by the Apex Court in **State of Haryana and others Vrs. Ch. Bhajan Lal and others 1990 SCR Supp.(3) 259**, 41 with regard to exercise of jurisdiction under Section 482 Cr.P.C. which of course depends on the facts and circumstances of the each particular case,

the Court is of the view that it is a case where the jurisdiction is required to be exercised in order to restore peace and ensure cordial relationship between the parties.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.27 of 2014 corresponding to Khandapada P.S. Case No.12 of 2014 pending before the court of learned J.M.F.C., Khandapada is hereby quashed.

10. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge



TUDU