

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.645 of 2022

Sebati Chakrabarty and Others Petitioners
Mr. B.K. Mishra, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. Sidharth Shankar Mohapatra, ASC
Mr. B. Mishra, Advocate for O.P.

CRLMC No.2858 of 2022

Subadh Kumar Chakrabarty Petitioner
Mr. B.K. Mishra, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. Sidharth Shankar Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
14.10.2022

Order
No.
06.

1. Heard learned counsel for the parties.
2. Both the petitions under Section 482 Cr.P.C. are filed by the petitioners for quashing of the criminal proceeding in connection with C.T. Case No.467 of 2020 corresponding to Raruan P.S. Case No.62 of 2020 pending in the file of learned S.D.J.M., Karanjia on the grounds stated therein.
3. Learned counsel for the petitioners submits that there has been an amicable settlement between the parties on account of a

compromise and therefore, the criminal proceeding in C.T. Case No.467 of 2020 pending before the court below should be quashed in the interest of justice. While claiming so, learned counsel for opposite party No.2, namely, the informant files an affidavit sworn by herself. It is admitted therein that there is a compromise between the parties and therefore, they have resolved to settle the dispute to live peacefully and continue having cordial relationship.

4. Informant, namely, opposite party No.2 is present in Court today. On being asked, the informant submits that there has been a settlement between her and the principal accused. The victim/informant produced the original Aadhar Card in support of her identity proof and the same is perused by the Court.

5. In fact, after the FIR was lodged by the informant opposite party No.2, Raruan P.S. Case No.62 of 2020 was registered under Section 498-A IPC and other allied offences and ultimately, the petitioners were chargesheeted under Anenxure-2 (CRLMC No.645 of 2022).

6. It is submitted by the learned counsel appearing for the petitioners as well as opposite party No.2 that in view of the compromise between the parties which is supported by an affidavit by opposite party No.2, namely, the victim, the criminal proceeding should be brought to an end and for that, inherent jurisdiction of this Court should be exercised as some of the offences are non-compoundable in nature. Mr. Mohapatra, learned counsel for the State submits that the informant lodged the FIR alleging ill-treatment in the hands of principal accused and the petitioners. The principal accused is the petitioner in CRLMC No.2858 of 2022 and he is also present in the Court today.

7. Considering the affidavit of opposite party No.2, who is the victim she having lodged the FIR against the petitioners including the principal accused and presently claims about the compromise by filing an affidavit and considering the fact that there has been a settlement reached at in the meantime, the Court is of the view that inherent jurisdiction should be exercised so as to quash the proceeding pending before the court below. In **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, the Apex Court has laid down the guidelines and the circumstances under which inherent jurisdiction may be exercised to quash the criminal proceedings pending before the court below. Having regard to the settled position of law and the fact about the compromise between the parties, the Court is of the view that the no worthy purpose would be served to continue the proceeding before the court of learned S.D.J.M., Karanjia. In other words, it is a fit case where inherent jurisdiction should be exercised to terminate the proceeding.

8. Accordingly, it is ordered

9. In the result, both the CRLMCs stand allowed. Consequently, criminal proceeding in C.T. Case No.467 of 2020 corresponding to Raruan P.S. Case No.62 of 2020 pending in the file of learned S.D.J.M., Karanjia is hereby quashed.

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

(R.K. Pattanaik)
Judge