

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.698 of 2022

Rojalin Sahoo and Another **Petitioners**
Mr. S.R. Subudhi, Advocate

-Versus-

State of Odisha and Another **Opposite Parties**
Mr. S.S. Mohapatra, ASC
Mr. S. Mishra, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
31.10.2022

Order
No.
02.

1. Heard learned counsel for the petitioners and learned counsel for the State-opposite party No.1 besides learned counsel for opposite party No.2.
2. The present challenge is as to the order of cognizance dated 18th November, 2021 under Annexure-1 passed by the learned J.M.F.C., Chandikhole on the ground of compromise between the parties.
3. Learned counsel for the petitioners submits that there has been a settlement reached at between the parties and in view of such compromise, criminal proceeding pending before the learned court below in C.T. Case No.1201 of 2021 should be quashed in the interest of justice.
4. Learned counsel for opposite party No.2 is present in Court and he admits about the compromise between the petitioners and opposite party No.2 and refers to an affidavit filed by opposite

party No.2 and thus, confirms the fact of such settlement reached at between them. Mr. Mohapatra, learned counsel for the State submits a formal objection to the quashing of the criminal proceeding in C.T. Case No.1201 of 2021.

5. Court perused the affidavit sworn by opposite party No.2 wherein it is stated that with the intervention of the local gentries and relatives the matter has been settled between him and the petitioners. The Court finds that all the offences are triable by a Magistrate First Class. In view of the compromise between the parties, the Court is of the opinion that in order to restore peace and cordial relationship between the parties, the criminal proceeding which is pending before the court of learned J.M.F.C., Chandikhole should be brought to an end and terminated in exercise of its inherent jurisdiction. While concluding so, the Court is aware of the settled position of law as laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, wherein, it has been held and observed that jurisdiction under Section 482 Cr.P.C. may be exercised in peculiar facts and circumstances of the case. It is a fit case where the Court is inclined to quash proceeding in view of the compromise between the petitioners and opposite party No.2 which is clearly evident from the affidavit sworn by opposite party No.2, namely, the informant.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed. Consequently, the criminal proceeding C.T. Case No.1201 of 2021 arising out of Dharmasala P.S. Case No.383 of 2021 pending before the court of learned J.M.F.C., Chandikhole is hereby quashed.

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

(R.K. Pattanaik)
Judge

TUDU

