

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 745 of 2022

Ganesh Muduli

....

Petitioner

Mr. S.K.Bhanjadeo, Advocate
and Mrs. S.Balantaray, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. T.K.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned SC for the State as well as the learned counsel appearing for opposite party No.2.

2. It is submitted to the Court that there has been a compromise between the parties and the nature of dispute originated from a civil dispute while claiming so, learned counsel for the petitioner refers to Annexure-4 which is a copy of the compromise arrived at between the parties and an affidavit sworn by the informant, namely, opposite party No.2 which is filed today in Court by the learned counsel appearing on her behalf. It is submitted by the learned counsel for opposite party No.2 that in view of the compromise, the parties have settled the dispute. It is further submitted by the learned counsel for the petitioner that there were two more cases between the parties and the criminal proceedings in respect thereof have been quashed by this Court's orders in CRLMC Nos. 2505 of 2021 and 2716 of 2022.

3. Learned counsel for the State on the other hand submits that one of the offences is punishable under Section 307 IPC. However, in response to the above, learned counsel for the petitioner submits that no injury has been received by the informant during and in course of alleged occurrence.

4. Considering the above facts, submissions of the learned counsel appearing for the respective parties and taking into account the affidavit filed today in Court by opposite party No.2, there appears a compromise and settlement reached at between the parties and in absence of any injury being received by the victim, namely, opposite party No.2, the Court is of the view that the criminal proceeding arising out of Chandaka P.S. Case No. 248 of 2021 corresponding to G.R. Case No. 946 of 2021 pending in the court of learned JMFC(O), Bhubaneswar should be quashed. In fact, the Court is of the opinion that it is a fit case where inherent jurisdiction should be exercised having regard to the settled position of law as enunciated by the Supreme Court in **B.S.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 946 of 2021 arising out of Chandaka P.S. Case No. 248 of 2021 pending before the learned JMFC(O), Bhubaneswar is hereby quashed.

7. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge