

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.843 of 2022

Sk. Sahil @ Md. Sarfaraj Khan and Petitioners
another

-versus-

State of Odisha and another Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

26.07.2022

Order No.

- 03.
1. This matter is taken up through Hybrid mode.
 2. Petitioners in this application under Section 482 of Cr.P.C. have sought for quashment of the entire proceeding relating to Sahadevkhunta P.S. Case No.2 of 2022, corresponding to C.T. Case No.6 of 2022, pending in the court of learned S.D.J.M., Balasore, on the ground that the matter has been amicably settled between the parties.
 3. The offence alleged is one under Section 395 I.P.C., the same appears to be heinous and serious in nature, non-bailable and non-compoundable. The non-compoundable of the offence though does not stand on the way of the Court to quash the criminal proceeding in exercise of power under Section 482 Cr.P.C., but the offence is heinous one. The same is an offence against the Society and quashment of the same on the ground of compromise in exercise of power under Section 482 of Cr.P.C. is impermissible in view of the decision of the Apex Court rendered in the case of *Narinder Singh and others Vrs. State of Punjab*, reported in (2014) 6 SCC 466.

4. In such premises, I am not inclined to quash the proceeding on the ground as stated hereinabove and in absence of the Informant.

5. However, it is submitted that since the matter has been compromised between the parties, this Court may direct the trial court to release the Petitioners on bail on their surrendering. It appears that prayer of the petitioners for pre-arrest bail was rejected earlier. In such premises, allowing the prayer for release of the Petitioners on bail shall amount to overreach the order of the Hon'ble Judge in ABLAPL. Hence, I am not inclined to entertain the same. But, as it is stated that the Petitioners would surrender and move for bail before the court below, it is open for them to do so and in such event, the court may consider their prayer for bail in proper perspective expeditiously.

6. With the aforesaid order, this CRLMC stands disposed of.

7. Issue urgent certified copy as per rules.

(S. Pujahari)
Judge

Uks