

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.852 of 2022

Nimin Charan Sahoo

.... **Petitioner**
Mr. S.K. Panda, Advocate

-Versus-

State of Odisha and Another

.... **Opposite Parties**
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the criminal proceeding in connection with G.R. Case No.1543 of 2020 corresponding to Cantonment P.S. Case No.151 of 2020 registered under Sections 419, 420, 468, 471 and 409 IPC pending in the file of learned S.D.J.M.(S), Cuttack on the ground of compromise.
3. The Court perused a copy of the FIR as at Annexure-1. In fact, after a report was lodged by opposite party No.2, Cantonment P.S. Case No.151 of 2020 was registered under the alleged offences.
4. Learned counsel for opposite party No.2 submits that after the closure of investigation, local P.S. submitted the chargesheet against the petitioner in the year 2022.

5. Learned counsel for the petitioner submits that at the relevant point of time, the petitioner was employee of M/s. Muthoot Finance and in such capacity, he had received some gold ornaments on mortgage from opposite party No.2 but subsequently when the latter claimed for its redemption on clearance of dues, former stated to have already released it on the strength of an affidavit.

6. It submitted that in the meantime the parties have settled the differences and opposite party No.2 received an amount from the petitioner towards settlement. Learned counsel for the opposite party No.2 admits the fact of compromise and refers to the affidavit which is at Flag-B for the Court's perusal.

7. Mr. Mohapatra, learned counsel for the State also submits that there is a compromise as per the instructions received from the concerned PS.

8. The informant, namely, opposite party No.2 is present in Court and she admits of having settled the matter with the petitioner. The petitioner is also physically present in Court today. The Court perused the affidavit sworn by opposite party No.2. In support of identity proof in respect of the informant opposite party No.2, a copy of Aadhar card is produced before the Court. A copy of the Aadhar card is also annexed to the affidavit and the same is perused. As per the affidavit, opposite party No.2 claimed to have compromised the matter after having received some amount from the petitioner.

9. Considering the above facts and peculiar nature of the dispute between the parties, the Court is of the view that as there

has been a settlement which is evident from the affidavit sworn by opposite party No.2, no worthy purpose would be served to continue with the criminal proceeding. In other words, the Court is of the opinion that in view of the settlement reached at between the petitioner and opposite party No.2, proceeding arising out of Cantonment P.S. Case No.151 of 2020 corresponding to G.R. Case No.1543 of 2020 pending before the court below should be quashed. 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 and followed by many other judgments wherein it has been held that in peculiar circumstances, jurisdiction under Section 482 Cr.P.C. may be exercised to quash the criminal proceeding, the Court is of the conclusion that it is a fit case where such power so as to bring the litigation between the parties to an end.

10. Accordingly, it is ordered.

11. In the result, CRLMCs stands allowed. Consequently, the criminal proceeding in G.R. Case No.1543 of 2020 corresponding to Cantonment P.S. Case No.151 of 2020 pending in the file of learned S.D.J.M.(S), Cuttack is hereby quashed.

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

(R.K. Pattanaik)
Judge