

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.547 of 2021

Khirodra Gahir and Others

....

Petitioners

Mr. J. Sahu, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Mr. T. Nanda, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.09.2022

Order
No.
02.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.964 of 2019 corresponding to Puintala P.S. Case No.149 of 2019 pending before the court of learned S.D.J.M., Bolangir on the ground of compromise.
3. Perused the copy of the FIR which is at Annexure-1 and also chargesheet as at Annexur-2.
4. Learned counsel for the petitioners submits that there has been a compromise between the parties and in support of such contention, a joint affidavit sworn by the petitioners as well as opposite party No.2 is filed in Court today. Learned counsel for opposite party No.2 also admits the facts of compromise and submits that the criminal proceeding which is pending before the learned court below in G.R. Case No.964 of 2019 arising out of Puintala P.S. Case No.149 of 2019 should be quashed in the interest of justice.

5. Mr. Mohapatra, learned counsel for the State submits that there been settlement as it appears from the affidavit reached at between both the sides.

6. The Court perused the joint affidavit filed by the petitioners and opposite party No.2 wherein it is mentioned that due to intervention of village gentries and well-wisher, the parties compromised and had amicable settlement out of the court and presently living peacefully and having cordial relationship. It is further mentioned therein that opposite party No.2 does not have any objection if the criminal proceeding pending before the learned court is quashed.

7. Having regard to the affidavit and considering the submissions of the learned counsel appearing for the petitioner and opposite party No.2 in particular, the Court is of the view that the criminal proceeding in G.R. Case No.964 of 2019 pending before the court of learned S.D.J.M., Bolangir should be quashed morefully when all the offences are triable by a Magistrate First Class. Keeping in view the settled position of law laid down and decided in the judgment of 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 observed that under such circumstances inherent jurisdiction under Section 482 Cr.P.C. may be exercised in order to secure the ends of justice, the Court is of the view that in the present case since the matter has been compromised in the meantime between the parties which is to be respected and therefore, in that regard, inherent jurisdiction should be exercised to quash the criminal proceeding to enable to parties to live happily forever.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed. As a corollary, the criminal proceeding in G.R. Case No.964 of 2019 arising out of Puintala P.S. Case No.149 of 2019 pending before the court of learned S.D.J.M., Bolangir is hereby quashed.

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

(R.K. Pattanaik)
Judge

Tudu

