

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1386 of 2016

Shubhankar Acharya and others

....

Petitioner

Mr. Partha Mukherji, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Tapas Kumar Praharaj, SC, OP No.1

None for Op No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
08.12.2022

Order No.

- 08.
1. Heard learned counsel for the petitioners and learned counsel for the State. None appears for opposite party No.2 at the time of call.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the G.R. Case No.112 of 2012 arising out of Boudh P.S. Case No.57 of 2012 corresponding to G.R. Case No.112 of 2012 in the file of learned S.D.J.M., Boudh on the grounds stated therein.
 3. In fact, pursuant to the direction of this Court dated 26th September, 2022, the parties appeared before the District Legal Service Authority, Boudh for the purpose of mediation. In the meantime, the mediation was held and report has been received from the Secretary, DLSA, Boudh, which is at Flag-2 and the same is perused by this Court.

4. Mr. Partha Mukharjee, learned counsel for the petitioner submits that after such settlement, the opposite party received a sum of Rs.4,40,000/- (Rupees Four lacs forty thousand) only towards full and final settlement. In support of such claim, an affidavit is filed by the petitioner accompanied with the bank statement and a photo copy of the cheque.

5. In view of the settlement reached at between the parties and since the opposite party received the amount appeared to have been received by her, as is evident from the report of the Secretary, DLSA, Boudh at Annexure-D, no fruitful purpose would be served to allow the criminal proceeding to continue against the petitioner and therefore, it should be quashed in the interest of justice.

6. The Court is aware of the decision of the Apex Court in the case **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein, it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances of a particular case.

7. Since the parties have resolved their dispute amicably, this Court feels it proper to quash the proceeding in exercise of jurisdiction under Section 482 Cr.P.C.

8. Accordingly, it is ordered.

9. Consequently, the CRLMC stands allowed.

10. In the result, the criminal proceeding in G.R. Case No.112 of 2012 arising out of Boudh P.S. Case No.57 of 2012 pending in the court of learned S.D.J.M., Boudh is hereby quashed.

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

(R.K. Pattanaik)
Judge