

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1882 of 2015

Jitendra Naik @ Jitendra Kumar Naik Petitioners
and Others

Mr. A. Tripathy, Advocate

-Versus-

State of Odisha and Another Opposite Parties

Mr. Pradip Kumar Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

17.10.2022

Order
No.
09.

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submitted that there has been a compromise between the parties, who are related to each other and belong to a common ancestor and in support of such compromise, the informant as well as the injured have filed a joint affidavit and considering the fact that both sides have reached at the settlement and resolved their dispute, the criminal proceeding which is pending before the learned court below in G.R. Case No.6 of 2015 corresponding to Khandapada P.S. Case No.03 of 2015 should be quashed in the interest of justice.

3. Learned counsel for opposite party No.2, namely, the informant admits the fact of compromise and also refers to an affidavit filed in the Court today. It is contended that considering the affidavit and compromise, in the best interest of the parties, proceeding pending before the court of learned J.M.F.C., Khandapada should be quashed. The informant as well as the injured, namely, Jitendra

Naik, are present in Court today with their identity proof. The original Aadhar Card of the injured is produced for the Court's perusal. On being asked, the injured as well as the informant submits that there has been a compromise between them and therefore, they do not have any objection if the case is dropped in view of such compromise. Mr. Rout, learned AGA for the State submits an objection to the quashing of the proceeding.

4. Learned counsel for the petitioners submits that the injured though received injury but with the compromise between parties, the litigation should be brought an end. The Court perused the copy of the FIR which is at Annexure-1 wherein the circumstances leading to the lodging of the report stand described elaborately. It is made to suggest that the petitioners allegedly committed the mischief and the overt acts during the incident.

5. But, then considering the affidavit filed today jointly by the informant and the injured, the Court finds that the parties have resolved the dispute and settled the differences on account of a compromise.

6. Having regard to the above facts and submissions of the learned counsel for the petitioners and considering the affidavit filed by the informant as well as the injured, the Court is of the view that on account of the settlement reached at between the parties, the criminal proceeding should be terminated. In other words, it is a fit where inherent jurisdiction under Section 482 Cr.P.C. should be exercised for quashing of the criminal proceeding pending before the learned court below as no worthy purpose would be served because of the compromise between both the sides. The Court is alive to the settled position of law for quashing of the criminal proceedings as enunciated by the Apex Court in judgment of **B.S.**

Joshi and others Vrs. State of Haryana and another reported in (2003) 4 SCC 675, wherein, it has been held that in peculiar facts and circumstances of a case, jurisdiction under Section 482 Cr.P.C. as well as Article 226 of the Constitution may be exercised.

7. Thus, it is reiterated that in view of the compromise between the parties which is revealed from the affidavit and admitted by the parties present in person, the Court is of the conclusion that in interest of the petitioners as well as opposite party No.2 and in order to restore peace and stability so also cordial relationship among them, the proceeding which is pending before the court below should be quashed.

8. Accordingly, it is ordered

9. Consequently, the CRLMC stands allowed. As a necessary corollary, the proceeding in G.R. Case No.6 of 2015 arising out of Khandapada P.S. Case No.3 of 2015 pending in the file of learned J.M.F.C., Khandapada is hereby quashed.

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

(R.K. Pattanaik)
Judge