

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.647 of 2015

Bira @ Niranjan Swain @ Birabar and others Petitioners

Mr. P.K. Parida, Advocate

-Versus-

State of Odisha and another Opposite Parties

Mr. M. Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.07.2022

Order
No.

- 05.
1. Heard learned counsel for the parties.
 2. Perused the record.
 3. Petition under Section 482 Cr.P.C. is filed for quashing of the proceeding pending before the court of learned J.M.F.C.(R), Cuttack in G.R. Case No.28 of 2015 arising out of Choudwar P.S. Case No.5 of 2015 on the ground that no case is made out and that apart, it was on account of a civil dispute between the parties and also stating the fact about an amicable settlement between them, in the meantime.
 4. Learned counsel for the petitioner refers to an affidavit filed by the informant, namely, O.P.No.2 and the same is perused by the Court.
 5. Initially, the FIR was lodged and case was registered under Sections 294, 324, 338 read with 34 IPC and subsequently, the

petitioner was forwarded under Section 307 IPC. Anyhow, from the affidavit sworn by the informant, it appears that the alleged occurrence took place due to a civil dispute between both the sides but then it was amicably settled with the help of local gentries on the very next day of lodging of FIR and since then, parties are living peacefully having cordial relationship amongst themselves.

6. The FIR is perused. It is alleged that on account of assault, the informant sustained a fracture. However, according to the learned counsel for the petitioner, no such grievous injury was received by the complainant, namely, O.P.No.2. That apart, learned counsel for the petitioner as well as opposite party No.2 submits that the parties are related to each other. According to learned counsel for the petitioner, the complainant is the wife of younger brother of the petitioner. Since on account of a family dispute, the incident alleged to have taken place for which the complainant lodged the FIR but having regarding to the nature of allegations, parties being related and the fact that there has been a compromise between them which is supported by an affidavit of opposite party No.2, the Court is of the view that to restore peace and amity in the family, the Court should exercise the inherent power jurisdiction under Section 482 Cr.P.C. to quash the proceeding and accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. As a consequence, the proceeding in G.R. Case No.28 of 2015 pending before the court of learned J.M.F.C.(R), Cuttack is hereby quashed.

(R.K. Pattanaik)
Judge