

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1116 of 2022

Sushil Behera and Another

.... Petitioners
Mr. P. Pattnaik, Advocate

-Versus-

State of Odisha and Another

.... Opposite Parties
Mr. S.S. Mohapatra, ASC
Mr. S.K. Swain, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order
No.
03.

ORDER
01.11.2022

1. Heard learned counsel for the parties.
2. The challenge is as to the criminal proceeding pending before the court of learned J.M.F.C.(City), Cuttack in G.R. No.691 of 2021 on the ground of compromise.
3. A copy of the FIR is at Annexue-1 and the same is perused.
4. Later to FIR lodged by opposite party No.2 Mangalabag P.S. Case No.134 of 2021 was registered under the under alleged offences of IPC.
5. Learned counsel for the petitioner submits that in the meantime, on completion of investigation, chargesheet stands filed and the petitioner has been chargesheeted for the alleged offences. However, he claims that the parties have resolved the dispute vide Annexure-2 which is styled as 'APASA BUJAMANA PATRA' and as per the terms stated therein. It is claimed that in view of such compromise between the parties, the criminal proceeding which is pending before the learned J.M.F.C.(City), Cuttack should be quashed.

6. Learned counsel for opposite party No.2 admits that there has been a compromise and settlement between the parties as per Annexure-2. Furthermore, a joint affidavit is filed by opposite party No.2 and petitioner No.2 stating about the alleged compromise. On perusal of the said affidavit, the Court finds that there has been a settlement reached at between both the sides and as a result, two more proceedings in G.R. Case No.592 of 2021 and G.R. Case No.694 of 2021 pending before the same court have been closed.

7. Mr. Mohapatra, learned ASC for the State submits that as it appears from the record, there has been a settlement.

8. It is informed that in respect of G.R. Case No.694 of 2021 and G.R. Case No.592 of 2021, the parties had approached this Court in CRLMC Nos.1118 and 1117 of 2022 respectively and by the orders dated 23rd September, 2022 respective proceedings were quashed. Considering the nature of litigation between the petitioner and opposite party No.2 and the fact of compromise since clearly evident from Annexure-2 so also the joint affidavit sworn by the petitioner No.2 and opposite party No.2, the Court is of the view that no fruitful purpose would be served to allow the proceeding to continue before the learned J.M.F.C.(City), Cuttack and therefore, it should be brought to an end and quashed. The Court is aware of the settled position of law as laid down by Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** and thus is of the opinion that it is a fit case where inherent jurisdiction should be exercised to quash the proceeding arising out of Mangalabag P.S. Case No.134 of 2021.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.691 of 2021 corresponding to Mangalabag P.S. Case No.134 of 2021 pending in the file of learned J.M.F.C.(City), Cuttack is hereby quashed.

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

(R.K. Pattanaik)
Judge

Tudu

