

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1117 of 2022

Kabita Behera and Others

....

Petitioners

Mr. P.N. Pattnaik, Advocate

-Versus-

State of Odisha and Another

....

Opposite Party

Mr. T.K. Praharaj, SC

Mr. S.K. Swain, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.09.2022

Order
No.
02.

1. Heard learned counsel for the parties.
2. In the present case, petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the entire proceeding in G.R. Case No.592 of 2021 corresponding to Mangalabag P.S. Case No.113 of 2021 pending before the court of learned J.M.F.C.(City),Cuttack on account of compromise entered between the parties on 30th July, 2021.
3. Learned counsel for the petitioner submits that the petitioners and opposite party No.2 are relations and the alleged incident took place on account of a civil dispute for sharing the interest in property and in that connection, the compromise was reached at which has been reduced into writing by a deed, a copy of which is at Annexure-2. Learned counsel for opposite party No.2 is present and claims that outside the court, the settlement has been reached at between the parties.
4. A copy of the settlement deed styled as 'Apasa Bhujamana Abantana Patra' dated 30th July, 2021 is perused by the Court. From

the said deed, it appears that parties have amicably settled the dispute with regard the property involved therein. Referring to the said compromise deed annexed, learned counsel for the petitioner as well as opposite party No.2 submit that there is no dispute now pending between the parties as it has been settled and considering the same, the criminal proceeding which is before the learned court below should be quashed. Having regard to the settled position of law laid down by the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, this Court is inclined to exercise the inherent jurisdiction under Section 482 Cr.P.C. so as to put the dispute to rest between the parties on account of the alleged compromise in respect of which a copy of the agreement i.e. annexure-2 is produced and also to restore cordial relationship between members of the family involved and accordingly, it is ordered.

5. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in Mangalabag P.S. Case No.113 of 2021 corresponding to G.R. Case No.592 of 2021 pending in the file of learned J.M.F.C.,(City), Cuttack is hereby quashed.

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

(R.K. Pattanaik)
Judge