

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1151 of 2022

Gobardhan Moharana and Others

....

Petitioners

Mr. S.K. Nayak, Advocate

-Versus-

State of Odisha and Others

....

Opposite Parties

Mr. T.K. Praharaj, SC, OP No.1

None for OP Nos.2 & 3

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.12.2022

Order No.

- 04.
1. Heard learned counsel for the petitioners, learned counsel for the State and opposite party Nos.2 and 3 are physically present in Court today.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.80 of 2007 arising out of Baramba P.S. Case No.80(7) of 2007 pending in the court of learned J.M.F.C., Baramba on the ground stated therein.
 3. Perused the copy of the FIR as at Annexure-1.
 4. Learned counsel for the petitioners submits that the parties have resolved their dispute and sorted out the differences in the meantime for reaching at a settlement and in that respect a joint affidavit has been filed by the petitioners and opposite party Nos.1 & 2 who are also present in Court today and considering the aforesaid development and the fact that opposite party received a single injury, the criminal proceeding pending before the learned

court below should be quashed in the interest of justice and also to restore cordial relationship among the parties.

5. Opposite party Nos.2 and 3 on being asked, both claimed about the compromise. A joint affidavit filed by the petitioners and opposite party Nos.1 & 2 is filed today which also relates to the fact of compromise and amicable settlement between the parties.

6. Mr. Praharaj, learned counsel for the State objects to the quashing of the proceeding however fairly concedes that opposite party received only a single injury though it is a stab injury. Considering the affidavit filed by the parties as to compromise which is admitted by opposite party No.2 and the accused, namely, petitioner No.1 and having regard to the fact that the victim did not receive any grievous injury on account of assault, the Court is of the view that to restore better relationship between both the sides, the criminal proceeding should be quashed. Moreover, it is a fit case where inherent jurisdiction should be exercised to quash the proceeding notwithstanding the fact that one or more of the offences are to be non-compoundable in nature. The Court subscribes the decision of the apex Court in the case of 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 even where offences are not compoundable in nature Accordingly, it is ordered.

7. Consequently, the criminal proceeding in G.R. Case No.80 of 2007 arising out of Baramba P.S. Case No.80(7) of 2007 pending in the court of learned J.M.F.C., Baramba is hereby quashed.

8. The CRLMC stands disposed of.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge