

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1174 of 2022

Jagannath Behera @ Jaga and another Petitioner
Mr. Durga Prasad Dhal, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. Tapas Ku. Praharaj, S.C., O.P. No.1
Mr. D.K. Mohapatra, Advocate for O.P. No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
23.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
 2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners for quashing of the order of cognizance dated 21st March, 2017 (Annexure-2) in connection with G.R. Case No.1329 of 2015 arising out of Badambadi P.S. Case No.191 of 2015 pending in the file of learned J.M.F.C.(City), Cuttack on the grounds stated therein.
 3. Learned counsel for the petitioners submits that there has been compromise between the parties in support of which opposite party No.2, namely, informant filed an affidavit on 26th July, 2022 and considering it, the order of cognizance under Annexure-2 and the criminal proceeding should be quashed in the interest of justice.
 4. Learned counsel for the State submits that he has received instruction with regard to the fact of compromise between the parties.

5. Learned counsel for opposite party No.2 has also confirmed the fact regarding the compromise which has been entered into between the parties while referring to the affidavit dated 26th July, 2022.

6. The Court perused the affidavit, wherein, it has been stated that later to the lodging of the FIR and in the meantime, there has been a settlement between the parties and all of them are in cordial terms having no enmity with each other.

7. Considering the submissions of learned counsel for the parties and the affidavit which is placed at Flag-B filed by opposite party No.2, this Court is of the view that the inherent jurisdiction under Section 482 Cr.P.C. should be exercised so as to quash the order of cognizance under Annexure-2 and also the criminal proceeding in G.R. Case No.1329 of 2015. In fact, majority of the offences are compoundable in nature and being aware of the settled position of law as has been held in the case of **State of Haryana and others Vrs. Ch. Bhajan Lal and others 1990 SCR Supp.(3) 259** on exercise of inherent jurisdiction and in order to ensure peace and restore coordinial relationship between the parties, this Court is of the view that the proceeding should be quashed and accordingly, it is ordered.

8. As a corollary, the criminal proceeding in G.R. Case No.1329 of 2015 arising out of Badambadi P.S. Case No.191 of 2015 pending in the file of learned J.M.F.C.(City), Cuttack is hereby quashed.

9. The CRLMC application is allowed.

(R.K. Pattanaik)
Judge