

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1021 of 2012

Mutta Shankar Srinivas

....

Petitioner

Mr. Milan Kanungo, Senior Advocate
Mr. G.R. Mohanty, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. T.K.Praharaj, SC
Mr.J.Sahoo, Advocate for O.P.No.2

**CORAM:
MR. JUSTICE R.K. PATTANAİK**

**ORDER
21.10.2022**

Order No.

- 18.
1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.
 2. Instant petition under Section 482 of Cr.P.C. is filed at the behest of the petitioner for quashing of the order of cognizance dated 1st January, 2012 under Anneuxre-1 in G.R. Case No. 1018 of 2011 corresponding to Berhampur Town P.S. Case No. 182 of 2011 by the learned SDJM, Berhampur on the grounds stated therein.
 3. Learned counsel for the petitioner submits that there has been an agreement between the parties and as per such agreement, opposite party No.2 is to receive an amount of Rs.3,00,00/- towards full and final settlement. It is further submitted that an amount of Rs.2,20,000/- is already deposited and lying with this Court and rest amount of Rs. 80,000/- has to be paid by the petitioner which is handed over today in the shape of a demand draft of Rs. 80,000/-

by Mr. Sahoo, learned counsel to the informant-opposite party No.2.

4. An affidavit is filed by opposite party No.2 wherein it has been stated that he has filed the complaint before the court of learned SDJM, Berhampur and thereafter, the present case was registered and in that connection, he had a payment of an amount of Rs. 3,00,000/- but to receive an amount of Rs.80,000/- in the shape of a demand draft and rest amount of Rs.2.2 lac stands deposited with the Court vide Challan No. 47/14/11/12 and under the above circumstances, he expressed his disinclination to proceed with the case further.

5. Considering the settlement reached at between the parties which is supported by an affidavit by opposite party No.2 and the fact that the petitioner has paid an amount of Rs.3,00,000/- to opposite party No.2 on account of compromise, the Court is of the view that no fruitful purpose would be served to allow continuation of the criminal proceeding pending before the court below, rather, it should be brought to an end.

6. The amount which has been deposited with the Court be immediately release in favour of the informant, namely, opposite party No.2 in case an application is made in that behalf. Accordingly, it is ordered.

7. Furthermore, the informant, namely, opposite party No.2 is present in Court and he accepted the demand draft for an amount of Rs. 80,000/- from the learned counsel for the petitioner. The affidavit which is filed by the opposite party No.2 today is annexed with a copy of the Aadhar Card regarding his identity proof.

8. In the result, the CRLMC stands allowed. As a necessary corollary, the impugned order of cognizance under Anneuxre-1 and the criminal proceeding in G.R. Case No. 1018 of 2011 corresponding to Berhampur Town P.S. Case No. 182 dated 3rd September, 2011 pending in the court of learned SDJM, Berhampur is hereby quashed.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

