

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3815 of 2016

P. Srinivas Reddy @ Mr. P.S. Reddy Petitioners
and Others

Mr. S. Mishra, Senior Advocate

-Versus-

Sanjay Kumar Bhartia Opposite Party

Mr. A. Mishra, Advocate for O.P.

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.12.2022

Order
No.
05.

1. Heard Mr. S.P. Mishra, learned Senior Advocate assisted by Ms. A. Pujari for the petitioners.
2. Opposite party No.2 is present in person.
3. Instant petition under Section 482 Cr.P.C is at the behest of the petitioners for quashing of the order of cognizance dated 13th September, 2016 passed in connection with ICC Case No.140 of 2016 by the learned J.M.F.C., Jajpur Road on the ground of settlement reached at between the parties.
4. A copy of the complaint is at Anenxure-1 and the same is perused by the Court.
5. In fact, after the complaint in ICC Case No.140 of 2016 was filed by the opposite party, the learned court below took cognizance of the offences under Sections 421, 506 and 120-B read with 34 IPC vide Anenxure-2.

6. Mr. Mishra, learned Senior Advocate for the petitioners submits that in the meantime, the parties entered into an agreement to resolve the dispute and accordingly, compromised the matter and while claiming so, a copy of the resolution dated 21st December, 2018 of the company is produced in the Court today. Furthermore, a copy of the settlement agreement is also placed before the Court for its perusal. Mr. Mishra, learned Senior Advocate refers to the said agreement executed and entered into between the parties on 21st December 2018 and refers to clause (1) sub-clause(III) thereof to indicate that for a total amount of Rs.2.67 lac, the final settlement has been reached at.

7. The opposite party, who is physically present in Court admits the fact of compromise in terms of settlement as above.

8. It is submitted to the Court that in view of the compromise and settlement between the parties in terms of the agreement, no fruitful purpose would be served to allow the criminal proceeding in ICC No.140 of 2016 to remain before the learned J.M.F.C., Jajpur Road. It is, thus, prayed that the said proceeding should be quashed in exercise of the inherent jurisdiction under Section 482 Cr.P.C. While contending so, Mr. Mishra, learned Senior Advocate cites a decision of the Apex Court in the case of **Manoj Sharma Vrs. State of Others MANU/SC/8122/2008** which is with regard to the powers of the Court to quash criminal proceedings exercising its inherent jurisdiction especially where there is a compromise between the parties.

9. Having regard to the settlement reached at between the parties on account of compromise which is clearly evident from the settlement agreement dated 21st December, 2018, the Court is of the considered view that the criminal proceeding which is pending before the learned J.M.F.C., Jajpur Road should be brought to an

end. In fact, the Court is of the opinion that after such a settlement between the parties, it would be a futile exercise to keep the criminal proceeding alive and therefore, it should be terminated. Considering the settlement and the fact that the parties have agreed to resolve the dispute as per the terms and keeping in view the legal position as enunciated by the Apex Court in **Manoj Sharma** (supra), the Court is of the conclusion that it a fit case where inherent jurisdiction under Section 482 Cr.P.C. should be exercised so as to quash the criminal proceeding.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed. As a necessary corollary, the impugned order dated 13th September, 2016 and entire criminal proceeding in ICC Case No.140 of 2016 pending in the file of learned J.M.F.C., Jajpur Road is hereby quashed.

12. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU