

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1267 of 2012

Nisamani @ Nisakar Jena

.... **Petitioner**
Mr. S. Mohanty, Advocate

-Versus-

State of Odisha and another

.... **Opposite Parties**
Mr. S.S. Mohapatra, ASC

CORAM:
JUSTICE R.K. PATTANAİK

ORDER
15.07.2022

Order No.

07.

1. This is an application filed under Section 482 Cr.P.C. challenging order of cognizance dated 25th January, 2001 passed in G.R. Case No.853 of 1999 arising out of Niali P.S. Case No.100 of 1999 presently pending in the court of learned J.M.F.C., Niali.

2. Learned counsel for the petitioner submits that there is a compromise between the parties, inasmuch as, a settlement was reached at and therefore, no useful purpose would be served by allowing the proceeding to continue before the court below and hence, the impugned order of cognizance is required to be quashed.

3. However, there is no document produced from the side of the petitioner to show that the parties have settled the dispute.

4. In fact, no notice has yet been issued vis-à-vis OP No.2, who is the informant in the present case. At this distant point of time, no purpose would either be served by issuing notice to OP No.2 since the matter is pending for last 10 years.

5. On perusal of the petition, it appears that some of the offences are compoundable in nature except Section 307 IPC. Learned counsel for the petitioner is not in a position to intimate the Court as to the stage of the proceeding.

6. Having considered the submissions of the learned counsel for the parties, the Court is of the view that if at all there is a compromise between the petitioner and OP No.2, they are at liberty to move the concerned court with a petition under Section 320 Cr.P.C. for appropriate order as all the offences except one under Section 307 IPC are found to be compoundable in nature.

7. That apart, as no justifiable ground is shown, the Court is not inclined to interfere with the order of cognizance under Annexure-1.

8. In the result, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge