

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2308 of 2012

Sarata Chandra Mahalik and another Petitioners

Mr. B.K. Ragada, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. D.R. Parida, ASC

CORAM:
JUSTICE R.K.PATTANAIK

ORDER
25.03.2022

Order No.

06.

1. In the instant case, the petitioners by filing an application under Section 482 Cr.P.C. have assailed the order of cognizance dated 6th August, 2010 passed in C.T. Case No.66 of 2009 by the learned J.M.F.C., Narsinghpur on various grounds with a prayer to quash it and issue appropriate directions in that behalf, as deemed just and proper, in the fact and circumstances of the case.

2. As it appears from the record, an FIR was lodged by O.P.No.2 for the incident, a copy of which is at Annexure-2 alleging the involvement of the petitioners mentioning therein the manner in which she was abused and her modesty was outraged. After the FIR was lodged, Kanpur P.S. Case No.36 of 2009 was registered under Section(s) 341, 323, 294, and 354 read with Section 34 IPC and Section 3(i)(x) of SC & ST (PA) Act which ultimately led to the filing of charge sheet showing the petitioners as absconders.

3. Heard learned counsel for the petitioners and learned ASC appearing for the State.

4. As submitted by the learned counsel for the petitioners, there has been a compromise between the parties in the meantime and the dispute stood settled as a result and therefore, in order to secure the end of justice, the proceeding should be quashed since offences under Section 294 IPC and Section 3(i)(x) of SC & ST (PA) Act are non-compoundable in nature.

5. Learned ASC for the State does not any raise any objection to the above claim regarding compromise between the parties. The fact of compromise is sought to be proved by a true copy of compromise petition filed before the learned court below which is produced in the Court today and the same is perused. In the compromise petition filed jointly by the parties before the court below, the fact of settlement of dispute stated to have been reached at on the intervention of the local village men is mentioned.

6. In view of the aforesaid facts and considering the compromise petition filed jointly before the learned court below and taking into account the settled position of law as laid down by the Supreme Court **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003)4SCC675, wherein, it has been observed that when offences are non-compoundable, jurisdiction under Section 482 Cr.P.C. may be exercised to set at rest the dispute between the parties and also to secure the ends of justice, the Court is of the considered view that in the present case, for resolution of the dispute between the parties, the criminal

proceeding pending before the court concerned should be quashed and accordingly, it is ordered.

7. In the result, application under Section 482 Cr.P.C. stands allowed. Consequently, the criminal proceeding in C.T. Case No.66 of 2009 pending before the court of learned J.M.F.C., Narsinghpur arising out of Kanpur P.S. Case No.36 of 2009 is hereby quashed.

(R.K.Pattanaik)
Judge



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