

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3927 of 2012

Ratan Lal Verma

....

Petitioner

Mr. S.K. Sarangi, Sr. Advocate

-Versus-

State of Orissa and another

....

Opposite Parties

Mr. G.N. Rout, ASC

CORAM:

JUSTICE R.K. PATTANAİK

ORDER

24.06.2022

Order No.

05.

1. Heard learned counsel for the petitioner and learned counsel for the ASC State.
2. None is present on behalf of opposite party No.2. As revealed from the record, notice as against opposite party No.2 has been made sufficient in the year 2013.
3. This is an application under Section 482 Cr.P.C. filed by the petitioner challenging the impugned order dated 19th December, 2009 and subsequent orders vide Annexure-3 passed in I.C.C. Case No.587 of 2011 pending in the file of learned S.D.J.M., Panposh on the grounds *inter alia* that there has been a compromise between the parties and therefore, the proceeding is required to be quashed in the interest of justice.
4. Mr. Sarangi, learned Senior counsel for the petitioner submits that the compromise was arrived at between the parties in the year 2009 itself by referring to Annexure-2 which is an affidavit stating about the settlement of the dispute between them. Mr. Sarangi made the Court to go through the earlier order of 2009 passed in CRLMC No.3308 of 2009 disposed of on 20th

November, 2009, wherein, the fact of compromise indicating that the controversy or the dispute to have been amicably settled between the informant, namely, opposite party No.2 and the petitioner was indicated. On a reading of said order dated 20th November, 2009, it appears that the fact of compromise was claimed at the stage of investigation and for that direction was given that in the event materials are produced before the IO concerned, he shall apply to mind and if convinced that no useful purpose would be served in proceeding further, to submit the final form in accordance with law.

5. Notwithstanding absence of opposite party No.2 and in view of the above order in CRLMC No.3308 of 2009 wherefrom the fact of compromise is clearly evident and the fact that it was arrived at in 2009 when the investigation was underway and having regard to the fact that the offences are not grievous rather some of them are compoundable in terms of Section 320 Cr.P.C. and further, having regard to the fact that in the meantime, almost 13 years have been elapsed, the Court is of the considered view that in order to ensure peace and amity vis-à-vis the parties involved, inherent jurisdiction under Section 482 Cr.P.C. should be exercised to set at rest the dispute between them and accordingly, it is ordered.

6. In the result, the CRLMC stands allowed. Consequently, for the reasons stated, the impugned order under Annexure-3 passed by the learned S.D.J.M., Panposh in I.C.C. Case No.587 of 2011 is hereby quashed.

(R.K. Pattanaik)
Judge

KC Bisoi