

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1615 of 2019

Solvay Tech Solutions Pvt. Ltd. and
others

....

Petitioners

Mr. Rajjeet Roy, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K. Rout. AGA, OP No.1

Mr. C.K. Dash, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
23.09.2022

CRLMC No. 1615 of 2019 & I.A. No.1592 of 2022

Order No.

09.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners praying for quashing of the FIR in connection with Laxmisagar P.S. Case No.194 of 2018 registered under Sections 406/409/420/120-B of IPC corresponding to C.T. Case No.3368 of 2018 pending in the court of learned S.D.J.M., Bhubaneswar on the grounds stated therein.
3. As submitted by learned counsel for the petitioners that a settlement has been reached at between the parties and therefore, the criminal proceeding should be quashed.

4. Leaned counsel for opposite party No.2, namely, the informant admits the fact about compromise and petitioners and opposite party No.2 have filed a joint petition i.e. I.A. No.1592 of 2022 in support of their settlement on 17th July, 2022. The Court perused the same. According to the learned counsel for the petitioners, in view of the said compromise reached at, the proceeding in Laxmisagar P.S. case No.194 of 2018 should be quashed in the interest of justice. It is further submitted that opposite party No.2 has paid Rs.4.10 lac before this Court kept in an interest bearing account and the same may be released in favour of opposite party No.2.

5. In view of the above settlement reached at between the parties and in respect thereof, a joint affidavit has been filed by petitioner No.1, who is the Director of the company as well as petitioner No.3 and opposite party No.2, the proprietor of M/s. M.S. Distributor, the Court is of the considered view that the proceeding which is pending before the learned S.D.J.M., Bhubaneswar should be quashed in the interest of justice keeping in view the law laid down by the Apex Court in the case **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 wherein it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances of a particular case. Accordingly, it is ordered.

6. Consequently, the criminal proceeding in C.T. Case No.3368 of 2018 arising out of Laxmisagar P.S. Case No.194 of 2018 pending in the court of learned S.D.J.M., Bhubaneswar is hereby quashed. So far as the money which is lying in a deposit, it is directed that the said amount be paid to opposite party No.2

whereas the interest accrued thereon be released in favour of the petitioner as has been agreed upon between the parties.

7. With the above direction, the CRLMC stands disposed of.
8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

