

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2384 of 2010

***Col. Sudhansu Sekhar Naik (dead) Petitioner
and another***

versus-

State of Orissa and another Opposite Parties

CORAM: JUSTICE S. PUJAHARI

**Order
No.**

**ORDER
26.04.2022**

17. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been
 filed by the Petitioners with a prayer to quash the criminal
 proceeding against them in Cantonment P.S. Case No.1 of
 2010, corresponding to G.R. Case No.13 of 2010, pending in
 the Court of S.D.J.M.(S), Cuttack.
3. Heard the learned counsel for the Petitioner and the
 learned counsel for the State-Opposite Party No.1.
4. No one appears on behalf of the Opposite Party No.2.
5. As the Petitioner No.1 has expired in the meantime, the
 case against him stands abated.

6. As it appears, COPET No.3 of 2010 has been disposed of in terms of the Memorandum of Understanding dated 30th July, 2010 annexed to the joint petition of compromise. In the said MoU, it was agreed between the parties not to proceed in the case in question. The matter arises out of a civil dispute between the parties.

7. Considering the aforesaid facts, notwithstanding no one appears on behalf of the Opposite Party No.2 in this case, who is a party to the said MoU, this Court allow this Criminal Misc. Case and quash the entire criminal prosecution launched against the Petitioner No.2 vide G.R. Case No.13 of 2010 on the file of the learned S.D.J.M.(S), Cuttack. The trial court shall do well to comply with this order on production of the certified copy of this order.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge