

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No. 1037 OF 2021**

***Mayadhar Khuntia & Others***

***..... Petitioners  
Mr. Pravash Ch. Jena, Advocate***

***-versus-***

***State of Odisha & Anr.***

***..... Opposite Parties  
Mr. D. Mund, AGA  
Mr. P. P. Kumar Pandit,  
Advocate for the Opposite Party No.2***

**CORAM:  
JUSTICE V. NARASINGH**

**ORDER  
09.05.2022**

**I.A. No. 996 of 2022**

**Order No.  
04.**

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Pravash Ch. Jena, learned counsel for the petitioners, Mr. D. Mund, learned Additional Government Advocate for the State and Mr. P.P.Kumar Pandit, learned counsel appearing for the Opposite Party No.2.
3. Considering the submissions of the learned counsel for the petitioners and taking note of the recitals in the I.A., the Vakalatnama filed on behalf of the Opposite Party No.2-informant is ignored.
4. The I.A. is accordingly disposed of.

***( V.Narasingh )  
Judge***

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1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Pravash Ch. Jena, learned counsel for the petitioners, Mr. D. Mund, learned Additional Government Advocate for the State and Mr. P. P. Kumar Pandit, learned counsel appearing for the Opposite Party No.2.
3. The aforesaid CRLMC has been filed for quashing of the proceeding in G.R. Case No.09 of 2016 on the file of Learned J.M.F.C., Bhapur arising out of Fategarh P.S. Case No. 03 of 2016. During pendency of the CRLMC with the intervention of the well-wishers from both the sides, the matter is stated to have been compromised and settled out of Court.
4. Compromise Affidavit evidencing is on record. The same has been sworn by six (6) deponents, who according to the informant, are the injured.

Such assertion is not disputed by the learned counsel for the State on perusal of the Case Diary.

5. Paragraph No. 3 of such affidavit is quoted hereunder for convenience of ready reference;

*“That, in view of the above premises we the deponents are no more interested to proceed with this criminal case*

*against the petitioners in the present case in any manner whatsoever and hence prayed for if the entire criminal proceedings will be quashed or set aside against the petitioners, then we have no objection at all.”*

6. In view of the recitals in the aforesaid paragraph and in tune with the law laid down by the Apex Court in case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karkur and others v. State of Gujarat and another***, reported in ***AIR 2017 SCC 4843***, the proceeding in connection with G.R. Case No.09 of 2016 on the file of Learned J.M.F.C., Bhapur arising out of Fategarh P.S. Case No. 03 of 2016 stands quashed in respect of the petitioners, in exercise of power under Section-482 Cr.P.C.

7. This shall however not affect the right of other injured, if any, to proceed against the accused petitioners.

8. The CRLMC thus stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

**Balaram**

**( V.Narasingh )**  
**Judge**