

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1518 of 2022

Rajesh Raj @ Ranua and others Petitioners
Mr. Bikram Keshari Raj, Advocate

-Versus-

State of Orissa and another Opposite Parties
Mr. T.K. Praharaj, SC, OP No.1
Mr. M.K. Swain, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.09.2022

Order No.

- 01.
1. Learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
 2. The present petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order of cognizance dated 9th January, 2019 passed by the learned Presiding Officer, Special Court under SC & ST (POA) Act, Cuttack in C.T. No.171 of 2017 on the grounds stated therein.
 3. Learned counsel for the petitioners and opposite party No.2 have submitted that there has been a compromise between the parties and in view of such settlement reached at between them, the criminal proceeding which is pending before the learned Special Court, Cuttack in C.T. No.171 of 2017 should be quashed in the interest of justice.
 4. Mr. Praharaj, learned Standing Counsel for the State submits that an offence under Section 3 of SC/ST Act is involved in the present case.
 5. While claiming compromise between the parties, the learned counsel for the petitioners refers to an affidavit filed by

opposite party No.2, namely, informant which is at Flag-A for the Court's perusal. The Court perused the affidavit filed by opposite party No.2, wherein, it has been stated that the dispute has been amicably settled between the parties and no bitterness exists any more amongst them and considering the aforesaid development, the learned counsel for the petitioners as well as opposite party No.2 submits that in order to ensure peace and cordial relationship between the petitioners and opposite party No.2, the proceeding pending before the court below should be quashed in the interest justice.

6. Having regard to the settled position of law as laid down by the Supreme Court in the case of **State of Haryana and others Vrs. Bhajan Lal and others** reported in 1993 Suppl.(1) SCC 335, wherein, it has been held that inherent jurisdiction may be exercised in peculiar facts and circumstances of the case though the offences are non-compoundable, the Court is of the opinion that in the present case as the parties have settled their differences and in support of such compromise, the affidavit is filed sworn by opposite party No.2, therefore, Section 482 Cr.P.C. should be exercised in order to terminate the proceeding which would serve the purpose and meet the ends of justice. Accordingly, it is ordered.

7. The CRLMC stands allowed.

8. As a corollary, the criminal proceeding in C.T. No.171 of 2017 pending in the court of learned Presiding Officer, Special Court under SC & ST (POA) Act, Cuttack is hereby quashed.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge