

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1835 of 2019

Nalinikanta Swain

....

Petitioner

Mr.Abhimanyu Parida, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr.T.K. Praharaj, SC, OP No.1

Mr. Ashok Kumar Sahoo, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.11.2022

Order No.

06.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.
2. The challenge in the present case is as to the criminal proceeding in Nikirai P.S. Case No.129 of 2018 corresponding to G.R. Case No.1362 of 2018 pending in the court of the learned S.D.J.M., Kendrapara on the ground stated therein.
3. Learned counsel for the petitioner files a copy of the FIR as at Annexure-1 and copy of the affidavit sworn by opposite party No.2 and joint affidavit which is as at Flag-1. The Court perused the same and it is contended that in view of the compromise and differences having been sorted out and as the parties have cordial relationship, the criminal proceeding pending before the learned court below should be quashed in the interest of justice. It is claimed that except a single injury, which is of course grievous in nature, there is no other injury received by the victim, namely, opposite party No.2 and considering the fact of compromise and settlement

arrived at and as petitioner is a Government employee, the criminal proceeding should be quashed in the interest of justice. Such a prayer is not objected to by learned counsel for opposite party No.2.

4. Mr. Praharaj, learned counsel for the State however objects to the quashing of the proceeding on the ground that one of the offences under Section 307 is not compoundable in nature.

5. Having regard to the above facts and the settlement reached at between the parties as the injury is a fracture, the Court is of the view that since the dispute is resolved, the criminal proceeding pending before the learned court below should be quashed in order to restore peace and stability among the parties. The Court is aware of the decision of the Apex Court in the case of **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 peculiar to a case. According to the Court, it is a fit case, where having regard to the nature of allegations and circumstances under which the incident has happened, to quash the criminal proceeding in exercise of the extra-ordinary jurisdiction under Section 482 Cr.P.C.

6. Accordingly, it is ordered.

7. Consequently, the criminal proceeding in Nikirai P.S. Case No.129 of 2018 corresponding to G.R. Case No.1362 of 2018 pending in the court of the learned S.D.J.M., Kendrapara is hereby quashed

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge