

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1547 of 2022

Santosh Kumar Sahoo and another Petitioners
Mr.Subash Ch. Rath, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. Tapas Kumar Praharaj, SC, OP No.1
Mr. Israil Khan, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner, 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 petitioner to quash the criminal proceeding in C.T. No.5588 of 2020 in connection with Capital P.S. Case No.532 of 2020 pending in the court of learned S.D.J.M., Bhubaneswar on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1, charge sheet at Annexure-2 and copy of the deed of compromise which is at Annexure-3.
 4. Learned counsel for the petitioner submits that there is a compromise between the parties and in that connection, a deed of compromise was executed, a copy of which is at Anneuxre-3. Considering the allegation in the FIR and the fact that the offences are triable by a Magistrate First Class and the fact that a settlement is

reached at between the parties, learned counsel for the petitioner submits that criminal proceeding in C.T. Case No.5588 of 2020 should be quashed.

5. Learned counsel for the informant, opposite party No.2 reiterates the above fact and also refers to the said deed of compromise as at Annexure-3.

6. The Court perused the deed of compromise at Annexure-3.

7. Learned counsel for opposite party No.2 submits that the informant did not receive any injury which has been mentioned in the FIR. Considering the above facts and submissions of learned counsel for the parties and the fact that the dispute between petitioner and opposite party No.2 has already been settled and keeping in view the settled position of law as laid down by the Supreme 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 of a case, the Court is of the view that it is a fit case where such jurisdiction should be exercised in order meet the ends of justice. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in C.T. No.5588 of 2020 in connection with Capital P.S. Case No.532 of 2020 pending in the court of learned S.D.J.M., Bhubaneswar is hereby quashed.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge