

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2736 of 2015

Pushpa Bishit

....

Petitioner

Mr. S.K.Patnaik-2, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr.S.N.Das, ASC

CORAM:
JUSTICE R.K.PATTANAİK

ORDER
16.08.2022

Order No.

04.

1. Heard learned counsel for the petitioner, the learned counsel for the State. None appears for opposite party No.2, namely, the informant.

2. This is a petition under Section 482 of Cr.P.C. filed by the petitioner for quashing of criminal proceeding in G.R Case No. 1516 of 2014 arising out of Town P.S. Case No. 303 of 2014 pending in the file of learned S.D.J.M., Keonjhar on the grounds stated therein.

3. The informant-opposite party No.2 lodged the F.I.R. for which Keonjhar Town P.S. 303 dated 29.11.2014 was registered under Sections 341/323/294/506 IPC and on submission of charge sheet, the learned court below took cognizance of the said offences by order dated December, 2014 (Annexure-2).

4. Learned counsel for the petitioner submits that there has been a compromise between both the sides in support of which the opposite party No.2 has filed an affidavit dated 04th May, 2015 which is at Annexure-3.

5. The said affidavit i.e. Annexure-3 is perused by the Court.

6. The informant filed the affidavit by stating that the matter has already been compromised between him and the petitioner. Considering the affidavit and the fact that all the offences except Section 506 IPC to be compoundable in nature and having regard to the nature of allegations and circumstances leading to the lodging of the F.I.R., the Court is of the view that the proceeding in G.R. Case No. 1516 of 2014 should be quashed. In fact, such view is on the strength of the judgment of the Apex Court in the case of **B. S. Joshi & Others Vs. State of Haryana & Another (2003) 4 SCC 675**, wherein, the Court has held and observed that in certain cases depending on the facts and circumstances regard being had to the fact that the offences are compoundable in nature, inherent jurisdiction under Section 482 Cr.P.C. may be exercised. In the present case, since there has been a compromise between the petitioner and the opposite party No.2 which is confirmed vide Annexure-3, the Court is of the view that no fruitful purpose would be served by keeping the proceeding alive and pending before the court below.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 1516 of 2014 pending in the court of learned S.D.J.M., Keonjhar is hereby quashed.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

kabita

