

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1643 of 2022

Bhramar Sahoo @ Bhamarbar Sahoo
and others

....

Petitioners

Mr. Jayadeba Behera, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. Pradip Kumar Rout, AGA, OP No.1

None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
14.10.2022

Order No.

02.

1. Heard Mr. Jayadeba Behera, learned counsel for the petitioners and Mr. P.K. Rout, learned Additional Government Advocate for the State.

2. The instant petition under Section 482 Cr.P.C. is filed by the petitioners praying for quashing of the criminal proceeding and also the order of cognizance dated 21st September, 2013 passed by the learned J.M.F.C., 1st Class, Ranpur in G.R. Case No.89 of 2012 in Ranpur P.S. Case No.89 of 2012 (arising out of ICC Case No.48 of 2013) on the grounds of compromise between the parties.

3. Pursuant to the direction of this Court dated 12th October, 2022, the parties appeared before this Court in persons.

4. Learned counsel for the petitioners submits that initially a complaint was filed which was subsequently registered as Ranpur P.S. Case No.89(10) dated 5th May, 2012 under Sections 341/294/323/354/379/307/506/34 IPC which resulted in filing of charge

sheet and thereafter, learned court below took cognizance of the offences under Annexure-2.

5. Learned counsel for the petitioners further submits that in the meantime there has been a settlement between the parties and there has been no injury received by the informant, namely, opposite party No.2 and considering the same and in view of the settlement reached at, the criminal proceeding in G.R. Case No.89 of 2012 pending before the learned court below should be quashed in the interest of justice.

6. Informant, namely, opposite party No.2 is present in Court today and on being asked, opposite party No.2 submits that there has been a compromise between her and the petitioners. A joint affidavit is filed by the parties is produced in Court today, the same is taken on record. The informant also produced original Aadhar Card in support of her identity proof.

7. Mr. Rout, learned Additional Government Advocate for the State submits that one of the offence alleged under Section 307 IPC which is not compoundable in nature.

8. The Court perused the joint affidavit of the parties dated 14th October, 2022 wherein the parties have claimed about the compromise and the amicable settlement reached at between the parties in presence of well wishers and village gentries. According to the affidavit, the parties have claimed that there is cordial relationship between the parties on account of such settlement and both the sides have requested that the criminal proceeding in Ranpur P.S. Case No.89 of 2012 should be quashed.

9. Having regard to the settled position of law 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 particular case. Accordingly, the Court is of the view that since the parties have settled their dispute on compromise and a joint affidavit to that effect has been filed in Court today, it is a fit case where inherent jurisdiction should be exercised notwithstanding the fact that one of the offence is not compoundable in nature, the criminal proceeding may be quashed. In the peculiar facts and circumstances of the case, this Court is inclined to quash the criminal proceeding. Accordingly, it is ordered.

10. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.89 of 2012 in Ranpur P.S. Case No.89 of 2012 (arising out of ICC Case No.48 of 2013) pending in the file of learned J.M.F.C., 1st Class, Ranpur is hereby quashed.

11. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

