

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1100 of 2021

Rajat Kumar Majhi

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

26.07.2022

Order No.

- 06.
1. This matter is taken up through Hybrid mode.
 2. This application under Section 482 of Cr.P.C. has been filed by the petitioner to quash the F.I.R. in Bikrampur FCI P.S. Case No.199 of 2020 corresponding to Special (P) Case No.82 of 2020, pending in the Court of the learned Addl. Sessions Judge-cum-Special Court POCSO Act, Angul.
 3. Learned counsel for the petitioner submits that since the matter has already been settled between the parties the parents of the victim girl have filed an affidavit stating therein that they have no objection if the proceeding initiated against the petitioner is quashed, the FIR lodged against the petitioner be quashed.
 4. Learned counsel for the State, however, vehemently opposes such prayer made with the submission that the offence alleged being heinous and serious in nature, commission of such offence has deep impact on the society.

Therefore, the Court should not quash the proceeding, FIR and consequential investigation in this case in exercise of the power under Section 482 Cr.P.C.

5. The inherent power of this Court under Section 482 Cr.P.C. to quash the criminal proceeding, no doubt, can be exercised where the parties have settled the dispute between themselves. However, such power is to be exercised sparingly and with caution.

6. In the case of *Narinder Singh and others v. State of Punjab and another*, reported in (2014) 6 SCC 466 while dealing with such power to quash the prosecution on the ground of compromise, the Apex Court have held that when the parties have reached the settlement and on that basis petition for quashing the criminal proceeding is filed, the guiding factor in such cases would be to secure: (i) ends of justice, or (ii) to prevent abuse of the process of any Court. While exercising the power, the High Court is to form an opinion on either of the aforesaid two objectives. Such power is not to be exercised in those cases which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on the society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be

quashed merely on the basis of compromise between the victim and the offender.

7. In view of the aforesaid law laid down, I am of the view that the prayer made by the petitioner for quashment of the FIR lodged alleging commission of offence of rape on the ground stated is without any substance and accordingly the CRLMC stands dismissed.

(S. Pujahari)
Judge

Uks

