

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1702 of 2022

Ajit Biswal and others

.... **Petitioners**
Mr. M. Das, Advocate

-Versus-

State of Orissa and another

.... **Opposite Parties**
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.08.2022

Order
No.

02. 1 Heard learned counsel for the petitioners and learned counsel for the State.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.374 of 2008 which corresponds to Aul P.S. Case No.47 of 2008 pending in the file of learned J.M.F.C., Aul on the grounds stated therein.
3. Perused the FIR and charge sheet which is at Annexure-2 and the same reveals that the petitioners have been charge sheeted for offences under Sections 498-A, 406 read with 34 IPC and Section 4 of the D.P. Act.
4. Learned counsel for the petitioners submits that in the meantime, there has been a compromise between the petitioners and the informant which is also disclosed in the affidavit which was

filed before the court below vide Annexure-4. However, the learned counsel for the State submits that he has information received from the concerned P.S. regarding the alleged compromise and that both the parties are leading a conjugal life.

5. In so far as opposite party No.2 is concerned, he has not appeared despite a notice. The Court perused the track consignment which is at Flag-B.

6. Learned counsel for the State produced a letter dated 16th July, 2022 received from the IIC, Aul, P.S. Kendrapara with an intimation that the dispute has been settled between the informant with her in-laws amicably on 6th June, 2011 and since then, both the parties are living as husband and wife and presently residing at Delhi along with their daughter aged about 14 years and also mentioned about the affidavit which has been filed by victim's brother-in-law in respect of the amicable settlement.

7. Having regard to the above facts and considering the submissions of the learned counsel appearing for the respective parties and in view of the compromise between the informant and petitioner No.1, the Court is of the considered view that further continuation of the proceeding in G.R. Case No.374 of 2008 would be a futile exercise and therefore, it should be quashed in the interest of justice and such view is by virtue of plethora of decisions of the Apex Court more prominently in the judgment of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675. The Court is of the opinion that the present case is one of such kind where inherent jurisdiction under Section 482 Cr.P.C. may be exercised in order to secure ends of justice. It is a fit case as

according to the Court to interfere and intervene to quash the criminal proceeding pending before the court below.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.374 of 2008 corresponding to Aul P.S. Case No.47 of 2008 pending before the court of learned J.M.F.C., Aul is hereby quashed.

10. Urgent certified copy of this order be granted as per rules.



(R.K. Pattanaik)
Judge

TUDU