

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1784 of 2022

Pravat Matha @ Pravat Kumar Martha & Petitioners
Others

Mr. Amitav Tripathy , Advocate

-Versus-

State of Odisha & Others Opposite Parties

Mr. S.S.Mohapatra, ASC
Mr. Satyabrata Panda, Advocate for O.P.Nos. 2 & 3

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
14.10.2022

Order No.

03.

1. Heard learned counsel for the petitioners and Mr. Mohapatra, learned ASC for the State and Mr. Panda, learned counsel appearing for opposite party Nos. 2 & 3.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No. 129 of 2022 corresponding to Nayagarh Sadar P.S. Case No. 31 of 2022 pending in the court of learned SDJM, Nayagarh on the grounds stated therein.
3. Perused the copy of F.I.R. which is at Annexure-1. In fact, after lodging of the F.I.R. by the informant, Nayagarh Sadar P.S. Case

No. 31 of 2022 was registered under Section 307 IPC and other allied offences.

4. As per the learned counsel for the petitioners and opposite party Nos. 2 & 3, there has been a compromise between the parties in the meantime and while claiming so, both refer to the affidavits filed by the informant, namely, opposite party No.3 and also that of opposite party No.2, who is the injured. It is submitted that the alleged incident took place during the last general election and in that, opposite party No. 2 was one of the contestants for a Ward and during that time, the petitioners alleged to have surrounded him and assaulted. It is claimed that opposite party No.2 received only a single head injury though grievous in nature but considering the fact that the parties have resolved the dispute and settled the differences which is clearly revealed from the affidavits filed, the criminal proceeding pending before the court below in G.R. Case No. 129 of 2022 should be quashed in the interest of justice.

5. Mr. Panda, learned counsel for opposite party Nos. 2 & 3 admits the fact of compromise. Mr. Mohapatra, learned counsel for the State however submits that one of the offences under Section 307 IPC is not compoundable in nature and that apart, opposite party No. 2 received head injury of grievous nature and therefore, as the incident happened during general election, the criminal proceeding should not be quashed.

6. Learned counsel for the petitioners submits that the petitioners do not have any criminal antecedent and are no habitual offenders. Notwithstanding the injury on the head of opposite party No.2 which

is though claimed to be grievous but for the fact that the parties have resolved the dispute and reached at settlement clearly discernable from the affidavits sworn by opposite party No.2 as well as opposite party No.3, who is the informant, the Court is of the view that in order to ensure peace and stability in the lives of the parties and to restore cordial relationship among them, the criminal proceeding which is pending before the court below corresponding to G.R. Case No. 129 of 2022 should be quashed.

7. Accordingly, it is ordered.
8. In the result, CRLMC stands allowed.
9. Consequently, the criminal proceeding in G.R. Case No. 129 of 2022 arising out of Nayagarh Sadar P.S. Case No. 31 of 2022 pending before the court of learned S.D.J.M., Nayagarh is hereby quashed.
10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge