

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2131 of 2019

<i>Ranjana Sarangi and another</i>		<i>Petitioners</i>
<i>State of Odisha and another</i>		<i>Opposite Parties</i>

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
25.02.2022

04.

1. This matter is taken up through hybrid mode.
2. Heard Mr. B.P. Tripathy, learned counsel appearing for the Petitioners, the learned counsel appearing for the State- Opposite Party No.1 and Mr. P.R. Singh, learned counsel appearing for the Opposite Party No.2-Complainant.
3. The Petitioners and Opposite Party No.2-Complainant in person are also present in the Chamber of Mr. B.P. Tripathy through virtual mode. They have also filed their respective documents in support of their identity which is attested by their advocates. The same be kept on record. Mr. B.P. Tripathy, learned counsel appearing for the Petitioners also identify the Petitioners. Mr. P.R. Singh, learned counsel appearing for the Opposite Party No.2-Complainant also present in Court and says that his client is present in the Chamber of Mr. B.P. Tripathy.
4. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the criminal

prosecution vide Chandrasekharpur P.S. Case No.446 of 2018, corresponding to C.T. Case No.4813 of 2018, pending in the Court of S.D.J.M., Bhubaneswar as well as the consequential proceeding of the said case.

5. As it appears, a compliant was lodged by the Opposite Party No.2-Complainant against the Petitioners alleging offences under Sections 120(B), 294, 307, 324, 325, 326, 420, 468, 506 read with Section 34 of the I.P.C., which being sent under Section 156(3) of Cr.P.C., was registered as Chandrasekharpur P.S. Case No.446 of 2018. From the complaint, it appears that the dispute arose pursuant to a development agreement made by the Opposite Party No.2-Complainant with the Petitioners regarding development of the land. From the allegations, it appears that dispute is predominantly is civil in nature and in the meanwhile, the parties have reached an amicable settlement. Charge sheet in this case has not yet been filed.

6. Learned counsel for the State, on instruction from the concerned police station, submits that in the meanwhile, the matter has been compromised between the Petitioners and Opposite Party No.2-Complainant.

7. Parties have filed a joint affidavit indicating the factum of amicable settlement between them. No doubt, allegations under Sections 307 and 326 of I.P.C. are there, but the case is at the nascent stage inasmuch as charge sheet in this case has not

been filed. The offences are non-compoundable in nature. But, non-compoundability of an offence does not stand on the way of the Court for quashment of the proceeding in appropriate cases in exercise of power under Section 482 of Cr.P.C. is well settled in law.

8. Considering the aforesaid facts, especially the fact that the matter arises out of the complaint, the nature of allegation and circumstances in which the offence was allegedly committed, the case arises out of civil dispute and charge sheet in this case is yet to be filed, this Court is of the view that no useful purpose is going to be served to allow the police to continue with the investigation, inasmuch as hereinafter there is bleak chance of conviction in the case in question even if charge sheet is filed and Petitioners are proceeded with.

9. Accordingly, this Criminal Misc. Case is allowed and the prosecution launched against the Petitioners vide Chandrasekharpur P.S. Case No.446 of 2018 and the consequential proceeding registered pursuant to the same, i.e., C.T. Case No.4813 of 2018 on the file of learned S.D.J.M., Bhubaneswar stands quashed. The I.I.C., Chandrasekhar Police Station as well as the learned S.D.J.M., Bhubaneswar or the Court in seisin over the matter shall on receipt of the copy of this order/production of the copy of this order, do the needful in this regard.

10. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

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