

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.559 of 2015

Sambhu @ Sambhuprasad Das and
others

....

Petitioners

Mr. H.N. Tripathy, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.N. Das, ASC

Mr. A.K. Ray, Advocate for OP No.2

CORAM:
JUSTICE R.K. PATTANAİK

ORDER
12.08.2022

Order No.

04.

1. The petition under Section 482 Cr.P.C. filed by the petitioners is for quashing of the criminal proceeding in G.R. Case No.1148 of 1997 arising out of Binjharpur P.S. Case No.263 of 1997 pending in the file of learned S.D.J.M., Jajpur on the grounds stated therein.

2. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for OP No.2.

3. Learned counsel for the petitioners submits that the matter has been amicably settled between the parties in the meantime and therefore, the proceeding should be quashed in the interest of justice. The learned counsel for OP No.2 is present and confirms the fact that the parties have compromised.

4. An affidavit is filed by OP No.2 dated 12th May, 2015 stating therein that the matter has been settled between both the sides due to intervention of the local gentries and well wishers. The

offences are compoundable in nature except one under Section 506 IPC.

5. In view of the settled position of law laid down by the Apex Court in the case of **B.S. Joshi and others V. State of Haryana and another** decided on 13.03.2003 in SLP (Criminal) No.3416 of 2002, wherein, the Apex Court has held that when the offences are compoundable in nature, considering the allegations and facts peculiar to the case, the Courts should exercise inherent jurisdiction under Section 482 Cr.P.C. Keeping in view the above decision and principles contained therein and since there has been a compromise between the parties and having regard to the fact that majority of the offences are compoundable in nature, the Court is inclined to exercise inherent jurisdiction under Section 482 Cr.P.C. In other words, it is a fit case where the criminal proceeding pending before the court below should be quashed in the interest of justice and accordingly, it is ordered.

6. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1148 of 1997 arising out of Binjharpur P.S. Case No.263 of 1997 pending in the file of learned S.D.J.M., Jajpur is hereby quashed.

(R.K. Pattanaik)
Judge