

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1992 of 2022

Bichitrananda Behera and others

....

Petitioners

Mr. S.K. Pattanaik, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Mr. N.B. Behuria, Advocate for O.P.No.2

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
05.09.2022

Order  
No.  
01.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.698 of 2021 arising out of Chauliaganj P.S. Case No.195 of 2021 pending before the court of learned J.M.F.C., City, at Cuttack on the grounds stated therein.
3. Perused the FIR i.e. Annexure-1 and a copy of the order of cognizance as at Annexure-2.
4. Learned counsel for the petitioners submits that there has been an amicable settlement between the parties which is supported by an affidavit filed by opposite party No.2 and considering the fact that all the offences are triable by a Magistrate First Class, the proceeding pending before the court below in connection with G.R. Case No.698 of 2021 should be quashed in the interest of justice.

5. Learned counsel for opposite party No.2 admits the fact of compromise between the parties and also hands over a copy of an affidavit sworn by opposite party No.2 on the learned counsel for the State. The Court perused the said affidavit of opposite party No.2 wherein fact of amicable settlement between him and the petitioner is indicated for which he claimed no objection if the proceeding is quashed. Having regard to the aforesaid affidavit dated 20<sup>th</sup> July, 2022 and recording submission of learned counsel appearing for opposite party No.2 to the effect that there has been a compromise between the parties and fact all the offences are triable by a Magistrate First Class, the Court is of the view that in the interest of the parties and to restore peace and cordial relationship between them, the proceeding in G.R. Case No.698 of 2021 should be quashed in exercise of inherent jurisdiction under Section 482 Cr.P.C. while being conscious of the settled position of law as laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.698 of 2021 arising out of Chauliaganj P.S. Case No.195 of 2021 pending before the court of learned J.M.F.C. City at Cuttack is hereby quashed.

8. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)  
Judge