

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2009 of 2022

Kuna @ Kailash Ojha & Another

.... Petitioners

Mr. P.K.Kundu, Advocate

-Versus-

State of Odisha & Another

.... Opposite Parties

Mr. Manoranjan Mishra,ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.08.2022

Order No.
02.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners for quashing of the order of cognizance dated 21st September, 1998 passed in G.R. Case No. 361 of 1998 corresponding to Niali P.S. Case No. 40 of 1998 pending before the court of learned J.M.F.C., Niali on the grounds stated therein.
3. Perused the F.I.R. and injury report is at Annexure-1.
4. Learned counsel for the petitioners submits that there has been a compromise between the parties in the meantime which is supported by an affidavit dated 22nd July, 2022 sworn by the informant, namely, opposite party No.2, who is also present in Court. It is further submitted that in view of the resolution of the dispute between the petitioners and opposite party No.2, the criminal

proceeding which is pending before the court below in G.R. Case No. 361 of 1998 should be quashed.

5. Learned counsel for opposite party No.2 submits that there has been a compromise and in that regard, the informant/injured himself filed the affidavit in support thereof. On being asked, the informant/opposite party No.2 claimed about the alleged compromise. In fact, the parties produced the original Aadhar Cards for perusal of the Court in support of their identity proof. The Court finds that the parties have really compromised the matter. As regards, the offence under Section 307 IPC, a copy of the medical examination report of opposite party No.2 is made available to the Court by the learned counsel for the State. On its perusal, the Court finds that opposite party No.2 received a single lacerated wound on the head and the nature of such injury is simple. In other words, the victim has not suffered any grievous injury on account of the assault.

6. Having regard to the above facts and considering the submissions of the respective parties and looking at the injury report with a single injury which is simple in nature and regard being had to the compromise reached at between the sides which is supported by an affidavit of the injured himself, the Court is of the view that in order to restore peace and ensure cordial relationship between the parties, it should in the interest of justice exercise inherent jurisdiction to quash the proceeding pending before the court below.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. Consequently, the proceeding in passed in G.R. Case No. 361 of 1998 corresponding to

Niali P.S. Case No. 40 of 1998 pending in the file of the learned court of J.M.F.C., Niali is hereby quashed.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

