

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2079 of 2022

Kanhua @ Jyoti Samal @Jyoti Prakash Petitioners
Samal and Anther

Mr. M. Das, Advocate

-Versus-

State of Odisha and Another Opposite Parties

Mr. S.S. Mohapatr, ASC

Mr. B.K. Kund, Advocate for O.P.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.09.2022

Order
No.
01.

1. Heard learned counsel for the parties.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the FIR and also criminal proceeding in connection with G.R. Case No.343 of 2020 arising out of Pattamundai P.S. Case No.343 of 2020 pending in the file of learned J.M.F.C., Pattamundai on the ground of compromise between the parties.
3. Learned counsel for the petitioners submits that there has been a compromise between the petitioners and opposite party No.2 and an affidavit filed by opposite party No.2 is referred to which is on record. Learned counsel for the petitioners submits that in view of such compromise, a settlement reached at between the parties in presence of their family members, relative and village gentries because of which the proceeding arising out of Pattamundai

P.S. Case No.343 of 2020 which corresponds to G.R. Case No.343 of 2020 should be quashed in the interest of justice.

4. Mr, Mohapatra, learned ASC submits that an offence under Section 307 IPC is alleged against the petitioner and submits that the assault was by means of lathi 'Thenga' causing bleeding injury on the head of the informant, namely, opposite party No.2

5. Copy of the injury report is not made available to the Court by the learned counsel for the petitioners. However, on a bare reading of the FIR, the Court finds that the assault was by means of a lathi on the head of the informant as a result of which he received a bleeding injury and had to be shifted to the local hospital at Pattamundai. The incident happened in the year 2020 and as per the submission of the learned counsel for the petitioners and opposite party No.2 there is a compromise and both prayed for quashing of the criminal proceeding on the ground of settlement.

6. Considering the submission and the facts and circumstances of the case and the fact that opposite party No.2 though received a head injury but then now he has come forward claiming compromise between him and the petitioners and also has sworn an affidavit which is on record and having regard to the settled position of law of Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, with regard to exercise of inherent jurisdiction in order to ensure justice to the parties, the Court is of the view that it is fit case where such jurisdiction should be exercised so as to quash the criminal proceeding pending before the court of learned J.M.F.C., Pattamundai in G.R. Case No.343 of 2020 the purpose being to restore peace and cordial relationship between the parties.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.343 of 2020 arising out of Pattamundai P.S. Case No.343 of 2020 pending in the file of learned J.M.F.C., Pattamundai is hereby quashed.

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

(R.K. Pattanaik)
Judge

Tudu

