

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2117 of 2022

Kishore Sahoo and another

....

Petitioners

Mr. T.K. Kamila, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Mr. A.C. Das, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

09.09.2022

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 prayer to quash the proceeding in connection with G.R. Case No.1507 of 2022 corresponding to Kandarpur P.S. Case No.103 of 2022 pending before the court of learned J.M.F.C.(R), Cuttack on the grounds stated therein.
3. Learned counsel for the petitioners contends that there has been an amicable settlement between the parties in the meantime and in so far as the offences are concerned, all are triable by a Magistrate First Class and in such view of the matter, having regard to the affidavit filed by opposite party No.2, proceeding pending before the court of learned J.M.F.C.(R), Cuttack in G.R. Case No.1507 of 2022 should be quashed in the interest of justice.
4. Learned counsel for opposite party No.2 admits the fact regarding the compromise and also refers to Annexure-2 wherein the opposite party No.2 claimed that due to misunderstanding between him and the petitioner, FIR was lodged but the matter has

been settled amicably and both are living peacefully to which a formal objection is submitted by the learned counsel Mr. Mohapatra appearing for the State.

5. In view of the affidavit filed by opposite party No.2, namely, the informant and fact that there has been an amicable settlement and parties are living peacefully at present and he having expressed closure of the case, the Court is of the view that proceeding pending before the court below in G.R. Case No.1507 of 2022 should be quashed. In this connection, the decision of the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 is referred to, wherein, inherent jurisdiction held to be exercisable in peculiar facts and circumstances of a case. Regard being had to the above settled position of law, the Court reiterates that in view of the amicable settlement between the parties as both are having cordial relationship and currently living peacefully as is claimed by opposite party No.2, the proceeding should be terminated.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1507 of 2022 arising out of Kandarpur P.S. Case No.103 of 2022 pending before the court of learned J.M.F.C.(R), Cuttack is hereby quashed.

(R.K. Pattanaik)
Judge