

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1340 of 2021

Soumendra Priyadarshi Pradhan &
Another

....

Petitioners

Mr. Mahes Das, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Mr. S.S.Mohapatra, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.10.2022

Order No.

02.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party Nos.2, 3 & 4.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in connection with G.R. Case No. 1213 of 2020 arising out of Dhenkanal Sadar P.S. Case No. 500 of 2020 pending in the file of learned S.D.J.M., Dhenkanal on the grounds stated therein.
3. Perused the copy of the F.I.R. as at Anneuxre-1 so also charge sheet at Annexure-2.
4. Learned counsel for the petitioners submits that there has been a compromise between the parties in the meantime and in support of such compromise, the informant as well as the injured persons have filed affidavits and considering the same, the criminal

proceeding pending before the court below in G.R. Case No.1213 of 2020 should be quashed. It is further submitted that even though the petitioners have been chargesheeted for an offence under Section 307 IPC but then, the victims have received simple injuries and while claiming so, he refers to the Medical Examination Reports as at Annexure-3 series. It is submitted that since the parties are related to each other and the fact that there has been a compromise and settlement reached at and notwithstanding an offence of Section 307 IPC is claimed to have been made out as per the chargesheet, a copy of which is at Annexure-2 and as the nature of injuries to be simple as is revealed from Annexure-3 series, the criminal proceeding should be quashed in the interest of justice so as to restore cordial relationship between both the sides. The learned counsel for the opposite party Nos.2, 3 & 4 admits the fact of settlement between them.

5. Mr. Mohapatra, learned counsel for the State submits a formal objection on the ground that offence of Section 307 IPC is alleged to have been committed by the petitioners and have also been chargesheeted for the said offence.

6. The Court perused the affidavits filed by the informant, namely, opposite party No.2 as well as two other injured, namely, opposite party Nos. 3 & 4 and all of them claimed about amicable settlement between the parties in presence of the family members and relatives. It has also been claimed by the informant and the injured that after the settlement which has been reached at, both sides are residing peacefully under one roof and they do not have any objection with the criminal proceeding pending before the court below in G.R. Case No. 1213 of 2020 is brought to an end.

7. The Court perused the Medical Examination Reports of opposite party Nos. 2, 3 & 4 and reports suggest that they have received laceration wounds probably caused by a blunt object which are found to be simple in nature.

8. Having regard to the above facts, nature of injuries sustained by opposite party Nos. 3 & 4 and the fact that there has been a compromise between the parties in the meantime, the Court is of the view that no fruitful purpose would be served to allow continuation of the criminal proceeding pending before the court below more particularly when the parties are related to each other. In other words, it is a fit case where inherent jurisdiction should be exercised by the Court to terminate the criminal proceeding pending before the learned court below.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands allowed. As a necessary corollary, the criminal proceeding in G.R. Case No. 1213 of 2020 arising out of Dhenkanal Sadar P.S. Case No. 500 of 2020 pending in the court of learned S.D.J.M., Dhenkanal is hereby quashed.

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

(R.K. Pattanaik)
Judge

kabita