

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2137 of 2022

Ashutosh Parharaj and Others

.... Petitioners
Mr. B.K. Biswal, Advocate

-Versus-

State of Odisha and Others

.... Opposite Parties

Mr. S.S. ,Mohapatra, ASC
Mr. R.K. Sahu, Advocate for O.P.Nos.2 & 3

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order
No.
01.

1. Heard learned counsel for the petitioners, learned Additional Standing Counsel for the State and learned counsel for opposite party Nos.2 to 4.

2. In the present case, the petitioners have prayed for quashing of the criminal proceeding in connection with C.T. Case No.03 of 2020 corresponding to Narsinghpur P.S. Case No.03 dated 5th January, 2020 pending in the court of learned J.M.F.C., Narasinghpur on the ground of compromise and settlement reached at between the parties.

3. Learned counsel for the petitioners submits that there has been a compromise between the parties in the meantime and the informant, namely, the opposite party No.2 as well as injured opposite party No.3 have filed affidavits which are produced in the Court today to show that the dispute is resolved and under the

above circumstances, it is prayed that the criminal proceeding which is pending before the learned court below should be quashed in the interest of justice.

4. Opposite party Nos.2 to 4 confirm the fact of compromise and refer to the affidavits filed by them. In fact, said affidavits have been filed by Mr. R.K. Sahu, learned counsel appearing on their behalf by filing Vakalatnama, which is taken on record. The Court perused the FIR which is at Annexure-1. The case is registered under Section 307 IPC vide Narsinghpur P.S. Case No.03 of 2020.

5. Learned counsel for the petitioners submits that the petitioners have alleged of having assaulted the victim during and in course of the incident which took place in the year 2020. However, as per the learned counsel for the petitioners, opposite party No.3 and 4 are the injured victims and they have filed the affidavits regarding compromise. Mr. Mohapatra, learned counsel for the State submits that the offences are non-compoundable in nature and hence, the proceeding should not be quashed.

6. Having regard to the affidavits and reasons stated by opposite party Nos.2 to 4, the fact that there has been settlement reached at between the parties with regard to the alleged incident, the Court is of the view that notwithstanding major offence to be non-compoundable but in order to restore peace and cordial relationship among the parties, the criminal proceeding pending before the learned court below should be quashed in the interest of justice being aware of the decision in **B.S. Joshi and others Vrs. State of Haryana and another(2003) 4 SCC 675** which laid down the

principles to be followed while exercising the inherent jurisdiction. Having regard to the compromise and the fact that the injured have filed affidavits in the Court stating the settlement having been reached at between them and the other side, it is a fit case according to the Court to bring an end to the litigation pending before the learned court below and quash the proceeding in C.T. Case No.03 of 2020.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in C.T. Case No.03 of 2020 arising out of Narsinghpur P.S. Case No.03 of 2020 which is pending in the court of learned J.M.F.C., Narasinghpur is hereby quashed.

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

(R.K. Pattanaik)
Judge

Tudu