

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2193 of 2022

Ghanashyam Behera @ Ghana and
Others

....

Petitioners

Mr. J. Sahoo, Advocate

-Versus-

State of Odisha and Others

....

Opposite Parties

Mr. K.C. Behera, Advocate for O.P.

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

15.09.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of cognizance dated 20th May, 2011 passed in S.T. Case No.30 of 2013 pending before the court of learned Assistant Sessions Judge, Khallikote on the ground of compromise between the parties.

3. Mr. Sahoo, learned counsel for the petitioners submits that in view of the compromise between the petitioner and opposite party Nos.2 to 5 which is revealed from Annexure-1, a copy of the application under Section 320 Cr.P.C. moved before the court of learned Assistant Sessions Judge, Khallikote, the criminal proceeding in S.T. Case No.30 of 2013 should be quashed in the interest of justice.

4. Learned counsel for opposite party Nos.2 to 5 filed an affidavit in Court today sworn by opposite party No.4 who admits the fact of compromise between the parties.

5. It is submitted to the Court that the petitioners have been charge sheeted for the offence under Sections 307 IPC and other allied offences and presently the case was committed to the Sessions Court and in the meantime, charges have been framed. It is further submitted by Mr. Sahoo that except one of the opposite parties, namely, opposite party No.2, others received injuries simple in nature and said injured, namely, Upendra Behera sustained single grievous injury. However, according to Mr. Sahoo, learned counsel for the petitioners since the matter has been compromise between the parties, no worthy purpose would be served to allow criminal proceeding to continue before the Sessions Court and therefore, it should be terminated. The said contention is supported by the learned counsel appearing on behalf of opposite party Nos.2 to 5.

6. Having regard to the above facts and submissions of the learned counsel appearing for the parties, the Court is of the view that since there is a settlement reached at between the petitioners, informant and other opposite parties in support of which an affidavit is sworn by opposite party No.4 and produced him in the Court today, the Court is of the view that inherent jurisdiction should be exercised to quash the proceeding in order to ensure peace and restore cordial relationship between the parties. The Court is of the further view that such jurisdiction to quash the proceeding has been time and again directed and more prominently in the decision of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675. In the instant case, though the injured persons received assault and sustained number of injuries one of them did receive a grievous one but having regard to the circumstances under which the alleged occurrence took place and taking into account the settlement reached at between the parties, the Court is of the opinion that it is fit case where inherent

jurisdiction should be exercised to terminate the proceeding pending before the court below.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. As a corollary, the impugned order of cognizance dated 20th May, 2011 and the criminal proceeding pending before the court of learned Assistant Sessions Judge, Khallikote in S.T. Case No.30 of 2013 is hereby quashed.

(R.K. Pattanaik)
Judge

Tudu

