

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 781 of 2015

Nirupama Naik

....

Petitioner

Mr. Samvit Mohanty, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr.Tapas Ku. Praharaj, S.C., O.P. No.1

None for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

23.08.2022

Order No.

- 07.
1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party No.2.
 2. Present petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.28 of 2015 arising out of Tirtol P.S. Case No.8 of 2015 pending in the file of learned S.D.J.M., Jagatsinghpur on the grounds stated therein.
 3. Perused the FIR under Annexure-1.
 4. Learned counsel for the petitioner submits she has been falsely arrayed as an accused in the case for the offence punishable under Section 420 of IPC and therefore, the criminal proceeding should be quashed.
 5. As it appears from the record, CRLMC No.476 of 2015 had been disposed of by this Court quashing the criminal proceeding therein in terms of the compromise entered into between the

parties. It is further submitted that there has also been a settlement through a 'Panchayat Faishalanama' which is at Annexure-2.

6. Learned counsel for the State admits that there was a settlement between the parties, which has also been reiterated by the IIC, Tirtol PS in his letter dated 16th August, 2022, a copy of which is produced in the Court today and the same is taken on record. On perusal of the said letter, it is made to understand that the matter has been compromised between the parties.

7. In view of the above and having regard to the fact that the criminal proceeding against the principal accused was quashed by this Court vide order dated 18th March, 2015 in CRLMC No.476 of 2015, the further continuance of the criminal proceeding vis-à-vis the petitioner would be a futile exercise and it would also be an abuse of the process of law. Having regard to the settlement which has been reached at between the parties and in view of the position of law on the exercise of jurisdiction in terms of Section 482 Cr.P.C. with reference to the judgment in **State of Haryana and others Vrs. Ch.Bhajan Lal and others 1990 SCR Supp.(3) 259**, the Court is inclined to quash the present proceeding in the interest of justice.

8. Accordingly, it is ordered.

9. In the result, the criminal proceeding in G.R. Case No.28 of 2015 arising out of Tirtol P.S. Case No.8 of 2015 pending in the file of learned S.D.J.M., Jagatsinghpur is hereby quashed.

(R.K. Pattanaik)
Judge