

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2297 of 2022

Chand @ Md. Arshad

....

Petitioner

Mr. Amlan Shakti Paul, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. T.K.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
13.09.2022

Order No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No. 972 of 2018 corresponding to Khurda P.S. Case No. 412 of 2018 pending before the court of learned SDJM, Khurda on the grounds stated therein.
3. Perused the copy of the F.I.R. i.e. Annexure-1 and also the order of cognizance dated 9th January, 2019 as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner and the opposite party No.2 are cousin brothers and after lodging of the F.I.R., both have entered into a compromise which is

revealed from Annexure-3. A copy of compromise petition with affidavit filed before the learned S.D.J.M., Khurda is referred to. In such view of the matter, the learned counsel for the petitioner submits that no purpose would be served to allow the criminal proceeding to continue before the learned court below and hence, the same should be quashed in the interest of justice. The learned counsel for the opposite party No.2 who enters appearance today by filing a Vakalatnama admits that there has been a compromise/settlement between the parties. The affidavit is sworn by opposite party No.2 by stating that the petitioner is related to him as a distant brother and presently having a cordial relationship with him on account of the intervention of local gentries and well-wishers after an amicable settlement and therefore, has expressed unwillingness to pursue the case further.

5. The offences are triable by a Magistrate First Class. The Court is of the view that considering the nature of allegations as revealed from the F.I.R. the fact that the parties being relations having settled the differences and compromised the matter which is evident from Annexure-3, an affidavit which was filed before the learned court below and also considering the affidavit filed by opposite party No.2 today, no fruitful purpose would be served to allow the continuation of the criminal proceeding in G.R. Case No. 972 of 2018 and therefore, it should be quashed. The Court is aware of the settled position of law laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 with regard to the exercise of inherent jurisdiction Section 482 of Cr.P.C. and considers that it is a fit case where inherent jurisdiction should be

exercised so as to terminate the proceeding pending between the parties before the court of learned S.D.J.M., Khurda.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed.

8. Consequently, the criminal proceeding in G.R. Case No. 972 of 2018 arising out of Khurda P.S. Case No. 412 of 2018 pending before the court of learned SDJM, Khurda is hereby quashed.

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

(R.K. Pattanaik)
Judge

