

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1942 of 2015

Tutulu @ Debabrata Patra and others Petitioners
Mr. S.N. Sahoo, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. S. N. Das, ASC
Mr. Kabir Kumar Jena, Advocate for OP No.2

CORAM:
JUSTICE R.K. PATTANAİK

ORDER

12.08.2022

Order No.

04.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel appearing for OP No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.1016 of 2013 arising out of Tihidi P.S. Case No.181 of 2013 pending in the court of learned S.D.J.M., Bhadrak on the grounds stated therein.
3. Learned counsel for the petitioners submits that there has been a compromise between both the sides and therefore, the criminal proceeding in G.R. Case No.1016 of 2013 should be quashed. While contending so, a decision of the Apex Court in the case of **Yogendra Yadav & Others Vrs. The State of Jharkhand & another** reported in AIR 2014 SC 3055 is placed reliance on.
4. In support of such compromise, an affidavit has been filed by OP No.2 where the fact of compromise is stated claiming that the parties are living peacefully and having a cordial relationship.

5. Learned counsel for the State submits that on an earlier occasion, the petitioners had moved this Court in CRLMC No.461 of 2014 and the same was dismissed, responding which the learned counsel for the petitioners submits that it was as against the order of cognizance, whereas, the present CRLMC has been filed thereafter for quashing of the entire proceeding on the ground of compromise and as such there is no bar.

6. Learned counsel for the petitioners rightly pointed out that on the ground of compromise, the entire proceeding can go and as such, there is no bar to the Court despite the order of cognizance declined to have been set aside earlier.

7. Having regard to the settled position of law and the fact that the parties have settled their differences and that the incident took place on account of political rivalry and the fact that except a single grievous injury, rest are simple in nature, the Court is of the view that to restore peace and tranquility in the locality, the proceeding which is pending before the court below should be quashed.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1016 of 2013 arising out of Tihidi P.S. Case No.181 of 2013 pending in the court of learned S.D.J.M., Bhadrak is hereby quashed.

(R.K. Pattanaik)
Judge