

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2365 of 2022

Niranjan Mohanty @ Nirani Mohanty
and Others

Petitioners

Mr. B.R. Mohanty, Advocate

-Versus-

State of Odisha and Another

Opposite Parties

Mr. R.K. Tripathy, ASC

Mr. S.S. Lenka, Advocate for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

31.10.2022

Order
No.
03.

1. Heard learned counsel for the petitioners, learned counsel for the State opposite party No.1 and learned counsel for the opposite party No.2.
2. A copy of the FIR is at Annexure-1 and the same is perused by the Court which indicates that Pattamundai P.S. Case No.255 of 2021 was registered under the IPC offences as well as Sections 3(1)(r)(s)& 3(2)(va) of the SC & ST (PoA) Act, 1989. Learned counsel for the petitioners submits that there is a compromise between the parties in the meantime and considering the same, the criminal proceeding which is pending before the learned court below in T.R. Case No.72 of 2021 should be quashed in the interest of justice.
3. Learned counsel for the opposite party No.2, namely, the informant admits the fact of compromise and settlement reached at between him and the petitioners.
4. Learned counsel for the petitioners submits that on a petty incident with regard to the lifting of earth, there was dispute between the both the sides which resulted in lodging of the FIR,

however, in the view of the compromise which is supported by an affidavit of opposite party No.2, no fruitful purpose would be served to allow continuation of the criminal proceeding and it should therefore be quashed in order to restore peace and ensure cordial relationship between the parties. Mr. Tripathy, learned counsel for the State submits an objection on the ground that offences under the SC & ST (PoA) Act are involved in the present case.

5. Court perused affidavit of opposite party No.2 who stated that there was a misunderstanding and for that the report was lodged and dispute has in fact been amicably settled between him and other side and he does not have any objection, if the criminal proceeding pending before the court below is quashed.

6. Considering the above facts and submission of learned counsel for the respective parties and affidavit of opposite party No.2 who himself has appeared and claimed about the alleged compromise and settlement reached amicably between him and the petitioners, the Court is of the view that the criminal proceeding which is pending before the court of learned District and Sessions Judge-cum-Special Judge, Kendrapara should be brought to an end so as to bring peace and stability in the lives of the parties involved and also to ensure cordial relationship among them. In other words, according to Court in exercise of inherent jurisdiction under Section 482 Cr.P.C. the proceeding in T.R. No.72 of 2021 should be quashed as no worthy purpose should be served to allow its continuance before the court of learned court below. While concluding so, the Court is aware of the settled position of law as laid down by the Supreme Court in **B.S. Joshi and Others Vrs. State of Haryana and Another (2003) 4 SCC 675**, wherein, it has been held that in peculiar facts and circumstances of a case especially

when dispute is matrimonial or civil or of similar nature, jurisdiction under Section 482 Cr.P.C may be exercised.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding pending before the court of learned District and Sessions Judge-cum-Special Judge, Kendrapara in T.R. Case No.72 of 2021 corresponding to Pattamundai P.S. Case No.255 of 2021 is hereby quashed.

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

(R.K. Pattanaik)
Judge



TUDU