

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2385 of 2022

Jaladhar Parida and Another

....

Petitioners

Mr. J. Sahoo, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Mr. K.C. Behera, Advocate for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

18.11.2022

Order
No.

02.

1. Heard Mr. Sahoo, learned counsel for the petitioners, Mr. Mohapatra, learned counsel for the State and Mr. K.C. Behera, learned counsel for the informant, namely, opposite party No.2.
2. The prayer in the present case is for quashing of the order of cognizance passed in T.R. Case No.28 of 2018 by the learned 1st Additional Sessions Judge-cum-Special Judge under SC & ST (PoA) Act, Khurda on the ground of compromise.
3. A copy of the FIR is at Annexure-1 at the instance of opposite party No.2 whereafter Bolagarh P.S. Case No.44 of 2018 was registered with IPC offences and Section 3(1)(x) of the SC & ST (PoA) Act.
4. Mr. Sahoo, learned counsel for the petitioners submits that in the meantime, the parties have resolved their dispute and settled the matter in view of the compromise and for that, he refers to an

affidavit of opposite party No.2 produced in the Court today along with a copy of the Aadhar card through Mr. Behera, learned counsel who files a Vakalatnama while appearing for her.

5. On being asked, opposite party No.2 admits the fact about the fact of compromise and settlement with the petitioners, who are related as father and son.

6. Since some of the offences are non-compoundable in nature, therefore, Mr. Mohapatra, learned counsel for the State objects to the quashing of the criminal proceeding.

7. The Court perused the affidavit sworn by opposite party No.2 wherein she has indicated about the compromise between her and the petitioners. Having regard to the aforesaid affidavit and presence of the victim, namely, opposite party No.2 in the Court today, the Court is of the view that the criminal proceeding which is pending before the learned Special court in T.R. Case No.28 of 2018 should be brought to an end as no fruitful purpose would be served after such a compromise and continuation of the criminal proceeding before the court concerned would be an abuse of process of law and it is aware of the settled law as laid down by Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in **(2003) 4 SCC 675** and hence jurisdiction under Section 482 Cr.P.C. should be exercised in the present case as parties have settled the differences and presently having cordial relationship. In other words, it is a fit case, where extra-ordinary jurisdiction should be exercised to quash the impugned order so also the entire criminal proceeding pending before the learned Special court.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in T.R. Case No.28 of 2018 arising out of Bolagarh P.S. Case No.44 of 2018 pending before the court of learned 1st Additional Sessions Judge-cum-Special Judge under SC & ST (PoA) Act, Khurda is hereby quashed.

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

(R.K. Pattanaik)
Judge



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