

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2387 of 2022

Saroj Kumar Parida

....

Petitioner

Mr Jyotirmaya Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

18.11.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.

2. The challenge in the present case is as to the impugned order dated 17th June, 2019 passed in T.R. No.56 of 2017 and the entire proceeding passed by the learned 1st Additional Sessions Judge-cum-Special Judge under S.C. & S.T. (POA) Act, Khurda on the ground of compromise.

3. Perused the copy of the FIR at Annexure-1.

4. It is submitted that pursuant to lodging of the FIR, Bolagarh P.S. Case No.117 of 2017 under Sections 341, 294, 354(A), 506 IPC and Section 3(1)(r)(s), 3(w)(i) of SC & ST of POA Act was registered.

5. Learned counsel for the petitioner submits that the victim, who lodged the FIR has expired in the meantime and there has been a compromise between both the sides which is supported by an affidavit by her father-in-law as the same is filed in Court today. It is

further submitted that in the above circumstances, when there has been a settlement between the parties and dispute is fully resolved, no purpose would be served in continuance of the criminal proceeding morefully when the victim lady, who lodged the FIR has expired in the meantime.

6. Mr.Mohapatra, learned counsel for the State strongly objects to the quashing of the criminal proceeding on the ground that the FIR was lodged at the instance of the victim, who was subjected to outraging of her modesty which stands described in Annexure-1. A copy of the dead body carrying certificate in respect of the deceased is at Annexure-2 series and also a certificate dated 16th July, 2022 issued by the Sarpanch of concerned G.P. is furnished in support of her death on 11th August, 2019 and on being asked, the father-in-law of the deceased informant submits that there has been a compromise between the parties in the meantime.

7. The Court perused the affidavit filed by the father-in-law of the informant and the same indicates that an amicable settlement has been made between the parties claiming that his daughter-in-law died on 11th August, 2019. A copy of the original Aadhar card is produced by the father-in-law of the deceased victim in Court today, which is taken on record.

8. Considering the above facts and in view of the compromise between the parties and the fact that the victim is dead since 2019, no fruitful purpose would be served in the continuance of the criminal proceeding against the petitioner. In fact, the Court is of the view that there is a remote chance of success since compromise entered into between the parties in the meantime and it is a fit case keeping in view the settled position of law laid down by the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana &**

Another reported in **(2003) 4 SCC 675** to quash the criminal proceeding in exercise of inherent jurisdiction in order to meet the ends of justice.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in T.R. No.56 of 2017 arising out of Bolagarh P.S. Case No.117 of 2017 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge under S.C. & S.T. (POA) Act, Khurda is hereby quashed.

11. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

