

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2438 of 2022

Rosan Pradhan

.... **Petitioner**
Mr. P.R. Singh, Advocate

-Versus-

State of Odisha & Another

.... **Opposite Parties**
Mr. P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.10.2022

Order No.

01. 1. Heard learned counsel for the petitioner, Mr. Rout, learned AGA for the State and learned counsel for opposite party Nos. 2 & 3.
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. 459 of 2015 corresponding to Barbil P.S. Case No. 140 of 2015 pending before the court of learned J.M.F.C., Barbil on the ground of compromise and settlement arrived at between the parties in the meantime.
3. Learned counsel for the petitioner submits that the petitioner and the informant are related as brother and sister and the incident had taken place in the year 2015 but there has been a compromise thereafter, which is evident from Annexure-4 so also deposition of

informant-opposite party No.3 in G.R. Case No. 459 of 2015, a copy of which is at Annexure-3 and considering the same and the fact that all the offences are triable by a Magistrate First Class, the criminal proceeding should be quashed in the interest of justice.

4. Learned counsel for the informant, namely, opposite party No.3 as well as opposite party No.2 submits that indeed there has been a compromise between the parties and therefore, the proceeding should be terminated. In fact, an affidavit sworn by informant namely, Manisha Chourasia is filed in Court today along with a copy of the Aadhar Card annexed to it in support of her identity proof.

5. The said affidavit is perused by the Court. As per the affidavit, there has been an amicable settlement between her and the accused persons in presence of village gentries and well-wishers of the both sides. It is also stated therein that in course of trial, opposite party No.3 was examined as P.W. 2 who also informed the Court about the alleged compromise.

6. Considering the affidavit of the informant, Annexure-3 which is a copy of the deposition in G.R. Case No. 459 of 2015 besides Annexure-4, a declaration regarding the settlement reached at between the parties, the Court is of the view that since all the offences are triable by a Magistrate First Class and the incident is of the year 2015, the criminal proceeding pending before the learned JMFC, Barbil in G.R. Case No. 459 of 2015 should be quashed in the interest of justice. The Court is of the view that in order to ensure peace and cordial relationship between the parties, the proceeding should be brought to an end. That apart, after having a compromise or a settlement reached at between the parties, no fruitful purpose would be served to allow

the continuation of the criminal proceeding pending before the learned JMFC, Barbil, especially when the informant opposite party No.3 herself deposed and claimed about the compromise while being examined as a witness in G.R. Case No. 459 of 2015. In other words, according to the Court, it is a fit case where inherent jurisdiction should be exercised so as to terminate the proceeding pending before the court of learned JMFC, Barbil.

7. Accordingly, it is ordered.
8. In the result, CRLMC stands allowed.
9. Consequently, the criminal proceeding in G.R. Case No. 459 of 2015 arising out of Barbil P.S. Case No. 140 of 2015 pending before the court of learned J.M.F.C., Barbil is hereby quashed.
10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge