

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2450 of 2022

Smt. Bishnupriya Sen and Others Petitioners
Mr. B. Baug, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. S. Mishra, ASC
Mr. G.R. Sahoo, Advocate for O.P. No.2

CRLMC No.2453 of 2022

Smt. Bijaya Basak and Others Petitioners
Mr. G.R. Sahoo, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. S. Mishra, ASC
Mr. B. Baug, Advocate for O.P. No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.10.2022

Order
No.

03.

1. Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for opposite party No.2.
2. Instant petitions have been filed by the petitioners for quashing of the order of cognizance and the respective criminal proceedings pending before the court of learned S.D.J.M.(S), Cuttack on the ground of compromise between the parties.

3. In fact, the petitioners challenge the cognizance order dated 28th September, 2022 in G.R. Case No.1015 of 2021 pending in the court of learned S.D.J.M.(S), Cuttack which corresponds to Bidanasi P.S. Case No.207 dated 21st August, 2021 corresponding to CRLMC No.2450 of 2022, whereas, in the other case, a similar prayer is made in respect of G.R. Case No.1015 of 2021 while questioning the legality and judicial propriety of the order of cognizance dated 28th September, 2021.

4. Learned counsel for the respective parties submit that FIRs have been lodged by the parties for the alleged incident but then in the meantime, there has been a compromise and considering the same, the criminal proceeding pending before the learned court below should be quashed in the interest of justice.

5. Learned counsel for the informant in both the cases admits the fact of compromise and settlement reached at between the parties in the meantime. The informant, namely, Smt. Bijaya Basak in CRLMC No.2450 of 2022 being present in person admits the fact of compromise between her and the petitioners. It is submitted that the informant of the case is presently staying with her in-laws and does not have any objection, if the proceeding vis-à-vis the petitioners is quashed.

6. In CRLMC No.2453 of 2022, the informant is absent and according to the learned counsel for the petitioners, she is currently staying at Bangalore and has also filed an affidavit which is at Flag-B for having no objection, if the criminal proceeding is quashed on account of the alleged compromise.

7. Having regard to the above facts and considering the submissions of the learned counsel for the parties as well as learned

counsel for the State, the Court is of the view that in view of the compromise and settlement so arrived at between the parties, no fruitful purpose would be served to continue with the criminal proceeding and therefore, it should be quashed in the interest of justice. The Court is aware of the settled position of law with regard to quashing of the criminal proceedings in exercise of inherent jurisdiction so laid down by Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675**. In fact, it is a fit where for the settlement between the parties, the fact with stands supported by the affidavits sworn by informants in both cases, the Court is of the opinion that the proceedings pending before the court of learned S.D.J.M.(S), Cuttack should be quashed and accordingly, it is ordered.

8. In the result, CRLMCs stand allowed. Consequently, the criminal proceedings in G.R Case No.1015 of 2021 and G.R. Case No.1021 of 2021 arising out of respective Bidanasi P.S. Case Nos.207 and 208 of 2021 pending in the file of learned S.D.J.M.(S), Cuttack are hereby quashed.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU