

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2491 of 2022

Bhanu Shankar Rout and others Petitioners
Mr. P.K. Rout, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. T.K. Praharaj, SC, OP No.1
Mr. Gagan Bihari Singh, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.10.2022

Order No.

04.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.769 of 2022 arising out of Nischintakoilli P.S. Case No.146 of 2022 pending in the file of learned J.M.F.C., Salipur on the grounds stated thereon.
3. Perused the copy of the FIR as at Annexure-1. Opposite party No.2 filed an affidavit stating about the fact of compromise between him and petitioners which is at Flag-A and the same is also perused.
4. Learned counsel for the petitioners submits that in view of the compromise between the parties, the criminal proceeding which is pending before the learned J.M.F.C., Salipur in G.R. Case No.769

of 2022 should be quashed in the interest of justice. While claiming so, said affidavit of opposite party No.2 is referred to wherein it has been indicated that due to intervention of local gentries and well-wishers of both the sides, they reached at a settlement and the dispute has been amicably resolved between them. Learned counsel for opposite party No.2 referred to the said affidavit as well.

5. Mr. Praharaj, learned Standing Counsel for the State submits that the two persons who were injured in the said incident have received simple injuries. It is further submitted that petitioner No.3 is having a criminal antecedent being involved in Nischintakoilli P.S. Case No.35/20 of 2022. The Court is of the view that since the parties have settled the dispute and none of the victims received any grievous injury as alleged and that apart, only one of the petitioners is having a criminal antecedent, who is not involved in any such incident similar to the present nature, it would be just and proper to allow the quashing of the criminal proceeding, which is pending before the learned J.M.F.C., Salipur in G.R. Case No.769 of 2022.

6. In fact, learned counsel for the petitioners relies on the decisions of the Supreme Court in the case of **Dimpey Gujral and others Vrs. Union Territory through Administrator, U.T. Chandigarh and others (2013) 11 SCC 497**, **Nikhil Merchant Vrs. Central Bureau of Investigation and another (2008) 9 SCC 677** and **Nikhil Kumar Pattanaik and Ors. Vrs. State of Orissa and Others 2003 (II) OLR 61**, wherein, it has been held that inherent jurisdiction under Section 482 may be exercised in the facts and circumstances of the case.

7. Having regard to the settled position of law as laid down in the decisions (supra) besides in **B.S. Joshi and others Vrs. State of Haryana & Another (2003) 4 SCC 675**, the Court reaches at a conclusion that the parties have compromised and settled their

dispute amicably, therefore, inherent jurisdiction under Section 482 Cr.P.C. should be exercised to terminate the proceeding in order to restore peace and cordial relationship between the parties. Accordingly, it is ordered.

8. Consequently, the CRLMC stands allowed. The criminal proceeding in G.R. Case No.769 of 2022 arising out of Nischintakoili P.S. Case No.146 of 2022 pending in the file of leaned J.M.F.C., Salipur is hereby quashed.

9. Issue urgent certified copy as per rules.

U.K.Sahoo

