

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2499 of 2022

Ananta Mallik

.... Petitioner
Mr. A.Pattnaik, Advocate

-Versus-

State of Odisha & Another

.... Opposite Parties
Mr.S.S. Mohapatra, ASC
Mr. Suraj Mohanty, Advocate for O.P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State-opposite party.
 2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with G.R. Case No. 390 of 2008 arising out of Pattamundai P.S. Case No. 178(19) of 2008 pending in the court of learned JMFC, Pattamundai, Kendrapara on the ground of compromise between the parties.
 3. Perused a copy of the F.I.R. which is at Annexure-1.
 4. In fact, after the F.I.R. was lodged at the instance of opposite party No.2, Pattamundai P.S. Case No. 178(19) of 2008 was registered under IPC offences with regard to the incident dated 26th August, 2008.

5. Learned counsel for the petitioner submits that in the meantime, there has been a compromise between the parties, who are physically present in Court and both of them have filed a joint affidavit stating about the fact of having a settlement between them.

6. In view of the above, according to the learned counsel for the petitioner, no fruitful purpose would be served to have the proceeding remain before the learned court below and therefore, it should be quashed in the interest of justice. Learned counsel for the opposite party No.2 admits the fact of compromise.

7. Mr. Mohapatra, learned counsel for the State submits a formal objection to the quashing of the proceeding since some of the offences are not compoundable in nature.

8. The affidavit is filed by the petitioner and opposite party No.2 is perused. The fact of compromise is stated by both of them in the said affidavit by claiming that it was reached by the intervention of the local gentries and well wishers of both the sides and further stated that they have no objection if the proceeding is quashed by the orders of this Court. The petitioner and opposite party No.2 produced original Aadhar Cards in support of their identity proof. The Aadhar Cards are perused. The Court enquired from opposite party No.2 about the settlement between him and the petitioner which he admits.

9. Regard being had to the above facts and aforesaid development as to compromise and keeping in view the settled position of law laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003)4 SCC 675** with regard to the exercise of inherent jurisdiction Section 482 of Cr.P.C. to quash

criminal proceedings, the Court is of the opinion that it is a fit case where such jurisdiction should be exercised to terminate the proceeding pending before the court of learned JMFC, Pattamundai.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed.

12. Consequently, the criminal proceeding in G.R. Case No. 390 of 2008 arising out of Pattamundai P.S. Case No. 178(19) of 2008 pending in the court of learned JMFC, Pattamundai, Kendrapara is hereby quashed.

13. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

