

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2556 of 2022

Sambit Satapathy

....

Petitioner

Mr. Soubhagya Swain, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. T.K.Praharaj, SC

Mrs. Sonita Biswal, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.10.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.
 2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with C.T. Case No. 1988 of 2022 corresponding to Kuakhia P.S. Case No. 274 of 2022 pending before the court of learned SDJM, Jajpur on the ground of compromise.
 3. Perused the copy of the F.I.R. i.e. Annexure-1.
 4. The petitioner as well as opposite party No.2 are physically present in the Court today.

5. Learned counsel for the petitioner submits that there has been a compromise between the parties in the meantime which is supported by an affidavit by opposite party No.2, namely, the informant. While claiming so, learned counsel for the petitioner refers to the said affidavit of opposite party No.2 which is at flag 'B'.

6. Learned counsel for opposite party No.2 submits that there has in fact been a settlement reached at between the parties and the same is revealed in the affidavit.

7. Learned counsel for the petitioner as well as opposite party No.2, in view of the compromise and affidavit filed by opposite party No.2, namely, the informant himself submit that the criminal proceeding which is pending before the Court of learned SDJM, Jajpur in C.T. Case No. 1988 of 2022 should be quashed and as a necessary corollary, investigation which is still in progress vis-à-vis Kuakhia P.S. Case No. 274 of 2022.

8. The informant, who is present in Court, admits the fact of compromise. The petitioner and opposite party No.2 produced original Aadhar Cards in support of their identity proof and the same is perused by the Court.

9. From the affidavit of opposite party No.2, it is made to suggest that there has been a compromise between both the sides and the parties are in cordial relationship at present. In fact, the allegation is to the effect that a fake face book ID was opened in the name of niece of opposite party No.2 which led to the lodging of the F.I.R., however, as submitted to the Court by the petitioner as well as the opposite party No.2 that the matter is settled and in support of such claim, opposite party No.2 sworn the affidavit as at flag 'B'. The Court is of

the view that having regard to the nature of allegations made in the F.I.R. and the compromise between the parties, the criminal proceeding in C.T. Case No. 1988 of 2022 arising out of Kuakhia P.S. Case No. 274 of 2022 should be quashed in the interest of justice. In fact, the Court is of the opinion that after such a settlement inter se parties, no fruitful purpose would be served to allow continuance of the criminal proceeding pending and therefore, it should be quashed. The Court is aware of the settled position of law laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 with regard to the exercise of inherent jurisdiction Section 482 of Cr.P.C. and it is of the view that on account of the settlement reached at between the parties, it is a fit case where such jurisdiction should be exercised so as to terminate the proceeding pending between the parties before the court of learned S.D.J.M., Jajpur.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed.

12. Consequently, the criminal proceeding in C.T. Case No. 1988 of 2022 corresponding to Kuakhia P.S. Case No. 274 of 2022 pending before the court of learned SDJM, Jajpur is hereby quashed.

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

(R.K. Pattanaik)
Judge