

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2595 of 2022

Surya Narayan Bhol and Others

Petitioners

Mr. G.B. Singh, Advocate

-Versus-

State of Odisha and Others

.... Opposite Parties

Mr. R.K. Tripathy, ASC

Mr. P.K. Rout, Advocate for O.P.Nos.2 & 3

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

02.11.2022

Order
No.

01.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the criminal proceeding in connection with G.R. Case No.768 of 2022 arising out of Nischintakoilli P.S. Case No.145 of 2022 pending in the file of learned J.M.F.C., Salipur on the grounds of compromise.
3. Learned counsel for the petitioners submits that there has been a compromise between the parties which is supported by an affidavit filed today.
4. It is further submitted that the informant and injured, namely, opposite party Nos.2 and 3 are present in Court with their identity proof and also admit the fact of compromise and therefore, the criminal proceeding which is pending before the learned J.M.F.C. Salipur corresponding to Nischintakoilli P.S. Case No.145 of 2022 should be quashed in the interest of justice.

5. Learned counsel for opposite party Nos.2 and 3 confirms the fact of compromise.

6. Opposite party Nos.2 and 3 are physically present in Court today with their identity proof, such as, original Aadhar cards which are perused by the Court. On being asked, both opposite party Nos.2 and 3 confirmed the fact of compromise and settlement reached at with the petitioners.

7. The Court perused the affidavit received today and according to opposite party No.2 with the intervention of the well-wishers, the matter has been settled and both sides are having cordial relationship at present.

8. Learned counsel for the petitioners submits that counter FIR which was lodged by petitioner No.1 and criminal proceeding arising therefrom in G.R. Case No.769 of 2022 pending before the same court arising out of Nischintakoilli P.S. Case No.146 of 2022 has been quashed on the ground of compromise itself by this Court vide order dated 20th October, 2022 in CRLMC No.2491 of 2022. Copy of the said order in CRLMC No.2491 of 2022 is produced in Court today by the learned counsel for the petitioners.

9. Having regard to the above facts, compromise between the parties and recording submission of the learned counsel appearing for the respective parties and taking into account the affidavit of opposite party No.2 and admission of both opposite party Nos.2 and 3 about the settlement, the Court is of the view that no fruitful purpose would be served to allow continuation of the proceeding before the learned court below. In other words, the criminal proceeding in G.R. Case No.768 of 2022 pending before the court of learned J.M.F.C., Salipur should be quashed to secure the ends of justice and also to ensure healthy relationship between the parties.

10. The Court is alive to the settled position of law as laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** which is with regard to exercise of inherent jurisdiction and considering the peculiar facts and circumstances of the case, it is a fit case according to the Court in view of the compromise to quash the criminal proceeding.

11. Accordingly, it is ordered.

12. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.768 of 2022 corresponding to Nischintakoilli P.S. Case No.145 of 2022 pending in the file of learned J.M.F.C., Salipur is hereby quashed.

13. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU