

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2637of 2022

Ameet @ Amit Debata and others Petitioners
Mr. Rakesh Kumar Mallick, Advocate

-Versus-

State of Orissa and another Opposite Parties
Mr. P.K. Rout, AGA, OP No.1
Mr. Malaya Kumar Mishra, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.09.2022

Order No.

- 01.
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 praying for quashing of the criminal proceeding in Pipili P.S. Case No.227 of 2001 corresponding to G.R. Case No.372 of 2001 pending in the court of learned J.M.F.C., Pipili on the ground of compromise which has been reached at between the parties.
 3. Learned counsel for the petitioners submits that petitioners are the students of Orissa Engineering College, Puri and the FIR was lodged for which Pipili P.S. Case No.227 of 2001 Sections 355/323/504/34 of IPC was registered in the year 2001 which finally resulted in the submission of the charge sheet under Annexure-2. It is further submitted that the petitioners have compromised the matter in the meantime with the Management of the college and a compromise affidavit has been filed to that effect by opposite party No.2, who was authorized by the college as per

its resolution dated 20th March, 2019. It is further submitted that the incident happened almost 20 years back and in view of the compromise between the petitioners and opposite party No.2 on behalf of the college, the criminal proceeding which is pending against the petitioners should be quashed in the interest of justice.

4. The learned counsel for opposite party No.2 is present and he admits the fact of compromise reached at between the parties and also refers to the compromise as at Flag-A. However, Mr P.K. Rout, learned Additional Government Advocate for the State submits a formal objection to the quashing of the proceeding on account of the alleged compromise.

5. Perused the affidavit sworn by opposite party No.2, who is authorized to represent the college as per the resolution and other documents.

6. Having regard to the nature of allegations made in the FIR under Annexure-1 and the fact that the alleged incident is more than two decades old at a time when the petitioners were students of the college and in view of the compromise recently reached at between the petitioners with the Management of the college, the Court is of the view that no fruitful purpose would be served to keep the criminal proceeding alive and that apart, when all the offences are stated to be compoundable in nature. Having regard to the settlement arrived at between the parties and the judgment of the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 wherein it has been held that inherent jurisdiction may be exercised by the High Court taking into account the facts and circumstances of a particular case to meet the ends of justice, the Court is of the view that it is a fit case where such jurisdiction should be exercised in order to

ensure peace and stability in the lives of the petitioners. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the proceeding in Pipili P.S. Case No.227 of 2001 corresponding to G.R. Case No.372 of 2001 pending in the court of learned J.M.F.C., Pipili is hereby quashed.

8. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

