

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1685 of 2021

Sushant Kumar Dalpati

....

Petitioner

Mr. Bhagabat Prasad Rath, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr.S.S.Mohapatra, ASC

Mr. Ajaya Ku.Nayak, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

Order No.
02.

1. Heard learned counsel for the petitioner, learned counsel for the State and the learned counsel appearing for opposite party No.2.
2. Instant petition Section 482 of Cr.P.C. is filed at the behest of the petitioner seeking quashment of the F.I.R. in connection with Kharavela Nagar P.S. Case No. 340 of 2019 corresponding to C.T. Case No. 6124 of 2019 pending in the file of learned S.D.J.M., Bhubaneswar on the grounds stated therein.
3. Perused the F.I.R. and charge sheet which is at Annexure-3.
4. Learned counsel for the petitioner submits that in the meantime, there has been a compromise, whereupon, the petitioner has paid back entire amount of Rs.1.9 lac to opposite party No.2 and also refers to a money receipt dated 14th July, 2021 which is at Annexure-3. It is contended that in view of the settlement between the parties, the informant, namely, opposite party No.2 is not willing to

peruse the case and hence, desirous to withdraw the proceeding against the petitioner and in that regard, an affidavit filed by him is referred to.

5. Today another affidavit is filed by opposite party No.2 who is present in Court by claiming that he has received the entire amount of Rs. 1.9 lac from the petitioner after the amicable settlement and does not have any objection if the entire proceeding pending before the court below is quashed. The opposite party No.2 is present in Court and produced the original Aadhar Card which is examined by Mr. S.S. Mohapatra, learned ASC and also attested by the learned counsel appearing for him. On being asked, the informant claimed that he has received such an amount of Rs. 1.9 lac from the petitioner, who is stated to be a police official posted as a Havildar.

6. In view of the affidavit filed by opposite party No.2 and his claim before the Court regarding compromise and about him of having received an amount of Rs.1.9 lac from the petitioner, the Court is of the view that no fruitful purpose would be served to keep the proceeding pending before the learned court below alive and therefore, it should be terminated in the interest of justice. The Court is aware of the limitations in exercise of inherent jurisdiction under Section 482 Cr.P.C. being conscious of the decision of the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675. Having said that, the Court reiterates that in view of the amicable settlement and the fact that the petitioner does not have any other criminal antecedent except the present case which is claimed by the learned counsel appearing for him, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised and proceeding should to be quashed.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed.
9. Consequently, the proceeding in C.T. Case No. 6124 of 2019 Kharavela Nagar P.S. Case No. 340 of 2019 pending before the learned S.D.J.M., Bhubaneswar is hereby quashed.
10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

kabita

