

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1688 of 2021

Atish Kumar Behera

.... **Petitioner**
Mr. S.K. Baral, Advocate

-Versus-

State of Odisha and Another

.... **Opposite Parties**
Mr. T.K. Praharaj, SC
Mr. D, Mishra, Advocate for O.P.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.09.2022

Order
No.
04.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the FIR as at Annexure-1 and also the criminal proceeding on the grounds stated therein.
3. Learned counsel for the petitioner submits that in the meantime the parties have settled the matter out of the Court which supported by an affidavit dated 14th December, 2021 sworn by the informant herself, who is the mother guardian of the victim. The learned counsel for opposite party No.2 also admits the fact of settlement between the parties and refers to the said affidavit which is at Flag-A.
4. The Court perused the FIR, a copy which is at Annexue-1 and as per the allegation, the petitioner managed to take away the

victim from the custody of opposite party No.2 and the circumstances under which the alleged occurrence took place stand described therein. However, it is also made to appear that the victim was rescued left unharmed shortly thereafter in front house of the petitioner.

5. Learned counsel for the petitioner submits that the victim did not receive any entry on account of the alleged mischief committed by the petitioner. Mr. Praharaj, learned Standing Counsel submits that the victim was not medically examined because her mother guardian, namely, opposite party No.2 declined for the same.

6. The offences are under Sections 294, 341, 323 and 367 IPC which are triable by a Magistrate First Class. The Court finds that there has been a compromise between the parties as per which opposite party No.2 filed an affidavit which is on record.

7. Considering the above facts and affidavit of opposite party No.2 and recording the submissions of leaned counsel for the petitioner and opposite party No.2 and also Mr. Praharaj, learned Standing Counsel, the Court is of the view that in the interest of justice and to ensure the parties to have cordial relationship, inherent jurisdiction under Section 482 Cr.P.C. should be exercised which is a view that has been subscribed by the Apex Court time and again and more prominently in the judgment of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675. In other words, it is a fit case where the compromise should be

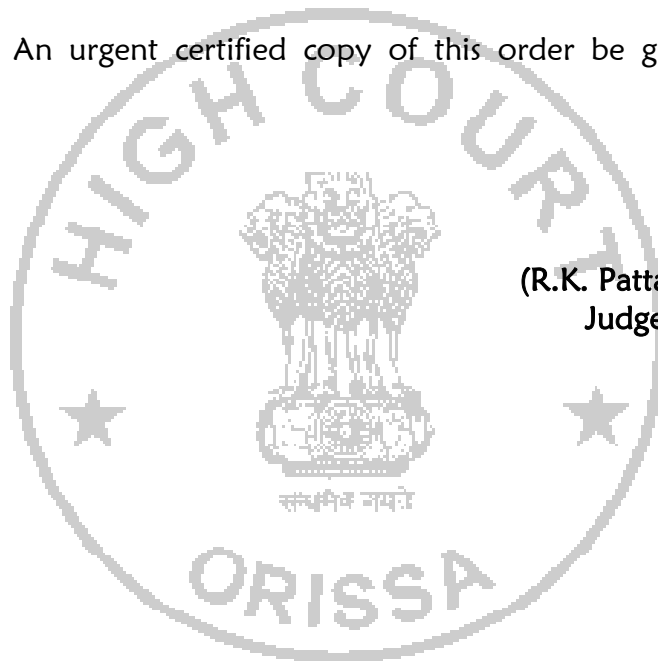
accepted in order to terminate the proceeding pending before the court below exercising the inherent power of this Court.

8. Accordingly, it is ordered,

9. in the result. CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1389 of 2021 corresponding to Marine P.S. Case No.80 of 2021 pending in the file of learned S.D.J.M., Kendrapara is hereby quashed.

10. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge



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