

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2962 of 2022

K. Chandramuni Reddy @ K.
Chintamani @ Kohala Chintamani
Reddy

....

Petitioner

Mr. J. Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC
Mr. K.C. Behera, Advocate for the informant

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
02.12.2022

Order
No.
01.

1. Heard learned counsel for the petitioner, learned counsel for the opposite party State and learned counsel for the informant.

2. Present challenge is to the impugned order dated 2nd August, 2003 and entire proceeding in G.R. Case No.237 of 2002 pending in the file of learned J.M.F.C., Khallikote.

3. Learned counsel for the petitioner submits that four of the accused persons faced trial in S.C. No.54 of 2004 and they were acquitted of the charges levelled vide judgment dated 16th July, 2015 of the learned Additional Sessions Judge, Chatrapur. It is claimed that such acquittal order was based on hostile evidence and the prosecution could not prove and establish its case with regard to the alleged incident dated 23rd June, 2002. A copy of the judgment in

S.C. No.54 of 2004 is made available to the Court and the same is perused. Mr. Praharaj, learned counsel for the State objects to the quashing of the criminal proceeding even though some of the accused persons have been acquitted by a trial. Learned counsel for the informant is present and he claimed about an amicable settlement between the parties and supports the contention of Mr. Sahoo, learned counsel for the petitioner.

4. The informant's son is physically present in Court with his identity proof, such as, Aadhar card. Considering the above facts, settlement between the parties and the order of acquittal in S.C. No.54 of 2004 and having regard to the position of law as laid down by the Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** to the effect that offences even though non-compoundable, criminal proceedings may be quashed in exercise of inherent and writ jurisdiction, the Court is of the view that since there is a full-fledged trial in respect of some of the accused persons and it ended with an order of acquittal as the prosecution evidence was entirely hostile, the Court is of the considered opinion that no fruitful purpose would be served to subject the petitioner a trial as there is a remote possibility of his conviction. In other words, it is a fit where the jurisdiction under Section 482 Cr.P.C. should be exercised to bring to an end to the criminal proceeding pending before the court of learned J.M.F.C., Khallikote, Ganjam.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands allowed. Consequently, the impugned order as well as the entire criminal proceeding in G.R. Case No.237 of 2002 pending before the court of learned J.M.F.C., Khallikote is hereby quashed.

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

(R.K. Pattanaik)
Judge

Tudu

