

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1806 of 2021

Banabihari Mohanty

....

Petitioner

-versus-

Bibhuti Narayan Singh Samant

....

Opposite Party

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

08.07.2022

Order
No.

07.

1. This matter is taken up through Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the order dated 20.03.2020 passed by the learned J.M.F.C., Khandapada in ICC Case No.25 of 2020 wherein the learned J.M.F.C. has taken cognizance under Section 138 of the N.I Act.
3. Learned counsel for the Petitioner submits that the Petitioner is ready and willing to pay the offending cheque amount and as such Opposite Party may be directed to accept the same and the proceeding be quashed on that ground.
4. However, learned counsel for the Opposite Party submits that he has no instruction in the matter.
5. Be that as it may, the offence being compoundable in nature and the case is pending before the learned J.M.F.C., Khandapada, it is observed that if an appropriate petition for compounding the offence i.e. by paying the amount of the

offending cheque or amount as agreed between the parties, is filed, the court concerned shall do well to compound the offence. However, it is made clear that this Court has expressed no opinion on the merit of such petition to be filed by the Petitioner before the court in seisin over the matter.

6. With the aforesaid order, this CRLMC stands disposed of.

7. Urgent certified copy of this order be granted on proper application.

PKS

(S. Pujahari)
Judge

