

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2917 of 2022

Pratap Keshari Dalabehera

....

Petitioner

Mr. A.K. Swain-1, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S. S. Mohapatra, ASC

Mr. G.K. Nanda, Advocate for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

09.12.2022

Order
No.

03.

1. Heard learned counsel for the petitioner, learned counsel for the State-opposite party No.1 and learned counsel for opposite party No.2.

2. Instant petition is at the behest of the petitioner for quashing for the order of cognizance dated 6th April, 2018 passed by the learned J.M.F.C., Daspalla in connection with G.R. Case No.118 of 2017 and the entire criminal proceeding on the ground of compromise.

3. A copy of the FIR is at Annexure-1 which indicates that later to the lodging of the report by opposite party No.2, Daspalla P.S. Case No.87 was registered under Sections 294, 420 and 506 IPC.

4. Learned counsel for the petitioner as well as opposite party No.2 submits that the matter has been compromised out of court and in so far as the payment is concerned, it has been received by opposite party No.2 on account of such compromise and settlement reach at between them and therefore, under the above circumstances, the criminal proceeding which is pending before the learned court below should be quashed in the interest of justice. While claiming so, learned counsel for the petitioner refers to a joint

affidavit filed by petitioner and opposite party No.2 which is at Flag-C and the same is perused by the Court. The said affidavit reveals that the dispute is settled out of court, whereafter, the proceeding in ICC Case No.43 of 2017 Section 138 NI Act has been withdrawn from the court of learned J.M.F.C., Daspalla by an order dated 12th August, 2017. It is claimed that since the matter is settled, the parties have approached this Court for quashing of the criminal proceeding in G.R. Case No.118 of 2017 which is still pending before the learned court below.

5. Considering the above facts and compromise between the petitioner and opposite party No.2 which is revealed from the joint affidavit at Flag-C, the Court is of the conclusion that no fruitful purpose would be served to allow the proceeding pending before the learned J.M.F.C., Daspalla to continue, rather, it would be a futile exercise so to say. In other words, it is a fit case for the Court to exercise inherent jurisdiction under Section 482 Cr.P.C. and to bring the litigation to an end and quash the proceeding in G.R. Case No.118 of 2017.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.118 of 2017 pending before the court of learned J.M.F.C., Daspalla and all consequential orders passed therein are hereby quashed.

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

(R.K. Pattanaik)
Judge