

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2974 of 2022

Jyotsnarani Pati

....

Petitioner

Mr.Parthasarathe Pattanayak, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr.Sitikanta Mishra,ASC

CORAM:
MR. JUSTICE R.K. PATTANAIAK

ORDER
15.11.2022

Order No.

03.

1. Mr. Somanath Satpathy, learned counsel entered appearance for opposite party No.2, namely, the informant and files a Vakalatnama and the same is accepted and taken on record.

2. Heard learned counsel for the petitioner, Mr. Mishra learned counsel for the State and Mr. Somanath Satpathy, learned counsel for opposite party No.2.

3. Instant petition under Section 482 of Cr.P.C. is filed for quashing of the order of cognizance dated 3rd June, 2021 as well as the criminal proceeding in G.R. Case No. 267 of 2021 arising out of Barang P.S. Case No. 27 of 2021 pending in the court of learned JMFC(R), Cuttack on the ground of compromise between the parties.

4. Learned counsel for the petitioner and opposite party No.2 submit that a compromise after an amicable settlement has been reached at between the parties and the entire disputed amount is already paid to opposite party No.2 in the shape of two demand drafts for a total amount of Rs. 15,00,000/- in respect which an affidavit is filed by the informant, a copy of which is at Anneuxre-3 and considering the same and since the offence under Section 420 IPC is compoundable in nature, the criminal proceeding pending before the learned court below should therefore be quashed in the interest of justice.

5. An objection is received from Mr. Mishra, learned counsel for the State against quashing of the criminal proceeding pending in the court of learned JMFC(R), Cuttack.

6. The Court perused the compromise affidavit as at Annexure-3 wherein opposite party No.2 admits the fact with regard to and in relation to payment of the entire amount of Rs. 15,00,000/- by the petitioner in the shape demand drafts details of which have been mentioned therein.

7. The dispute is with regard to sale of piece of land which was agreed upon between the parties and in that connection, the petitioner had received an amount of Rs.15,00,000/- but apparently, did not execute the sale deed. However, in the meantime, an amicable settlement was reached at and as earlier mentioned, the entire amount was returned.

8. Considering the nature of litigation and the fact that the parties have compromised and keeping in view the settled position to law as laid down by the Supreme Court in **B. S. Joshi & Others**

Vs. State of Haryana & Another reported in (2003) 4 SCC 675, the Court is of the view that the dispute since settled should be brought to an end and the criminal proceeding which is pending before the learned court below should be quashed in the interest of justice.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed.

11. Consequently, CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 267 of 2021 arising out of Barang P.S. Case No. 27 of 2021 pending in the court of learned JMFC(R), Cuttack is hereby quashed.

