

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2993 of 2022

Prasanta Kumar Nayak @ Ludu and
Another

....

Petitioners

Mr. M.K. Chand, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. R.K. Tripathy, ASC

Mr. A. Sahoo, Advocate for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

03.11.2022

Order
No.
03.

1. Heard Mr. Chand, learned counsel for the petitioner, Mr. Tripathy, learned ASC for the State and Mr. Sahoo, learned counsel for opposite party No.2.
2. Petition under Section 482 Cr.P.C. is filed at the behest of the petitioners for quashing of the impugned order dated 24th November, 2021 passed in G.R. Case No.151 of 2021 by the learned Nayadhiakari Gramanyalaya, Odagaon and also the entire proceeding thereof on the grounds of compromise between the parties.
3. Mr. Chand, learned counsel for the petitioners submits that there the dispute has been settled between the petitioner and opposite party No.2, namely, informant and also latter's husband in the meantime and therefore, in view of the aforesaid development, the criminal proceeding pending before the learned court below

arising out of Sarankul P.S. Case No.90 dated 14th July, 2021 should be quashed in the interest of justice.

4. Learned counsel for opposite party No.2 submits that there has in fact been a compromise between the parties and while claiming so, he refers to the affidavits of opposite party No.2 and her husband as at Flags-B and C.

5. Opposite party No.2 along with her husband appeared in this Court and submitted her Aadhar card and PAN card respectively in support of their identity proof and the same are perused. On being asked, opposite party No.2 confirmed about the compromise between her and the petitioners.

6. Mr. Chand, learned counsel for the petitioners submits that opposite party No.2 had a relationship with petitioner No.1 which continued even after marriage and thereafter the unfortunate incident happened consequently upon which at the instance of her in-laws, the FIR was lodged. However, according to Mr. Chand since the parties have resolved the dispute which is supported by affidavits not only sworn by opposite party No.1 but also her husband, no fruitful purpose would be served to continue with the criminal proceeding and therefore, it should be brought to an end and terminated in the interest of justice.

7. Mr. Tripathy, learned counsel for the State submits that some of the offences are non-compoundable in nature.

8. However, having regard to the recent development as to the compromise between opposite party No.2 who is now married and happily settled with her husband and both of them have filed affidavits having no objection if the criminal proceeding pending

before the learned court is quashed, the Court is of the humble opinion that it is a fit case where inherent jurisdiction under Section 482 Cr.P.C. should be exercised in order to ensure peace and stability in the lives of the respective parties. The Court is aware of limitations in the exercise of inherent jurisdiction under Section 482 Cr.P.C. and it is reminded of the Apex Court's decision in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** being conscious of the settled position of law as laid down therein where it has been held that under the peculiar circumstances such jurisdiction may be exercised. Even though the allegations in the FIR present case are of different nature and related to misuse and abuse of technology by the petitioners but considering the fact that opposite party No.2 is of young age and well settled now and leading a happy marital life with her husband, who also present in the Court today, interest of justice would be best served to quash the criminal proceeding.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in connection with G.R. Case No.151 of 2021 corresponding to Sarankul P.S. Case No.90 of 2021 pending in the file of learned Nayadhiakari Gramanyalaya, Odagaon is hereby quashed.

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

(R.K. Pattanaik)
Judge