

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3006 of 2022

Nibash Sunday and Others

Petitioners

Mr. M.R. Mohapatra, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. T.K. Praharaj, SC

Mr. D.P. Swain, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.11.2022

Order
No.

01.

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

2. In the present case, the challenge is as to the impugned order dated 5th December, 2019 passed in G.R. Case No.455 of 2019 corresponding to Begunia P.S. Case No.78 of 2019 pending in the file of learned S.D.J.M., Khurda on the grounds stated therein.

3. The learned court below has taken cognizance of the offences vide impugned order under Annexure-1.

4. A copy of the FIR is at Annexure-2 and the same is perused. The offences for which the case has been registered are triable by a Magistrate First Class.

5. Learned counsel for the petitioners submits that there has been a compromise between the parties in the meantime which is supported by an affidavit sworn by opposite party No.2, namely,

the informant. It is submitted that in view of the amicable settlement reached at between the parties and since almost all the offences are compoundable except Section 294 IPC, the criminal proceeding should be quashed in the interest of justice and the fact of compromise is not denied by learned counsel for opposite party No.2 who rather supports it.

6. The Court perused the affidavit filed by opposite party No.2, wherefrom, it is made to suggest that the parties compromised the matter and having cordial relationship and he does not have any objection, if the impugned order under Annexure-1 is quashed.

7. An objection is received from Mr. Praharaj, learned counsel for the State against quashing of the criminal proceeding in G.R. Case No.455 of 2019.

8. Having regard to the fact that the offences are compoundable except Section 294 IPC and all are triable by a Magistrate First Class and in the meantime, the parties have reached at a settlement, in support of which, the affidavit is filed by opposite party No.2, the Court keeping in view the settled position of law in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675**, is of the opinion that no fruitful purpose would be served to allow continuation of the proceeding before the learned court below, rather, it should be terminated in the interest of justice and to ensure and sustain cordial relationship between both the sides.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed. Consequently, impugned order under Annexure-1 and the entire criminal

proceeding in connection with G.R. Case No.455 of 2019 corresponding to Begunia P.S. Case No.78 of 2019 pending in the file of learned S.D.J.M., Khurdha is hereby quashed.

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

(R.K. Pattanaik)
Judge

TUDU

