

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3475 of 2012

Baby @ Satyajit @ Biswajit Mishra Petitioners
and others

Mr.P.K.Mohanty,Advocate

-Versus-

State of Odisha and another Opposite Parties

Mr. D.R. Parida, ASC

Mr. N.K. Rout, Advocate for O.P.No.2

CORAM:
JUSTICE R.K.PATTANAİK

ORDER
25.03.2022

Order No.

- 08.
1. Invoking Section 482 Cr.P.C., the petitioners by filling present application have approached this Court challenging the order of cognizance i.e. Annexure-2 dated 18th June, 2012 passed in C.T. Case No.173 of 2008 which corresponds to Narsinghpur P.S. Case No.119 of 2008 by the learned J.M.F.C., Narsinghpur on the ground stated therein.
 2. Heard learned counsel for the petitioners, learned ASC for the State and learned counsel appearing for O.P.No.2.
 3. As it is made to appear from the record, O.P.No.2 lodged an FIR at Narsinghpur P.S. with regard to an incident dated 6th October, 2008 alleging therein the involvement of the petitioners. Thereafter, Narsinghpur P.S, Case No.119 of 2008 was registered which ultimately resulted in filing of charge sheet, whereupon, the learned court below took cognizance of the offences punishable

under Section(s) 147, 148, 294, 427, 379 and 506 read with 149 IPC and Section 3 of SC & ST (PA) Act.

4. Indeed, on the ground of compromise between the parties, the petitioners have moved the Court for quashing of the proceeding in C.T. Case No.173 of 2008. It is contended by the learned counsel for the petitioners that in view of the settlement amicably reached at between the parties, inherent jurisdiction of this Court should be exercised, in order to secure the ends of justice.

5. Learned ASC for the State does not raise any objection with respect to the claim of compromise. But, it is reminded that an offence under Section 3 SC & ST (PA) Act has been alleged against the petitioners for which they have been charge sheeted before the court below. The learned counsel for the O.P.No.2 referred to an affidavit dated 31st May, 2013 filed before this Court sworn by the informant indicating therein the fact of amicable settlement between the parties on the intervention of villagers.

6. Considering the above facts and regard being had to the settled position of law laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003)45CC675, the Court is of the humble opinion that to restore peace and amity between the parties, who said to have settled the differences by a compromise reached at on the intervention of local gentries, the proceeding in C.T. Case No.173 of 2008 should be quashed and accordingly, it is ordered.

7. In the result, application under Section 482 Cr.P.C. stands allowed. Consequently, the criminal proceeding in C.T. Case No.173 of 2008 arising out of Narsinghpur P.S. Case No.119 of 2008 pending in the file of learned J.M.F.C., Narsinghpur is hereby quashed.

(R.K. Pattanaik)
Judge



Tudu