

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2041 OF 2021

Kiran Mohan Nayak @ Kiran Nayak & Ors. Petitioners
Mr. Aparesh Bhoi, Adv.

-versus-

State of Odisha & Anr. Opposite Parties
Mr. P. Mohapatra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
20.04.2022

Order No.
09.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Aparesh Bhoi, learned counsel for the petitioners and Mr. Mohapatra, learned Additional Standing Counsel for the State.
3. The aforesaid CRLMC has been filed for quashing of the proceeding in Special Case No.7/44 of 2015/2007 on the file of Learned Special Judge, SC/ST Court, Balasore arising out of Balasore Sadar P.S. Case No. 154 of 1999. During pendency of the CRLMC with the intervention of the well-wishers of both the sides, the matter is stated to have been compromised and settled out of Court.
4. Pursuant to the notice issued by this Court, an affidavit of the Opposite Party No.2 sworn before the Notary Public, Balasore

was received, indicating inter alia that over the period of time the relationship between the petitioners and Opposite Party No.2 has become cordial and she does not want to pursue the matter.

5. This Court by Order dtd. 03.01.2022 directed the learned State Counsel to obtain instruction regarding the veracity of the affidavit and as to whether the same was sworn by the Opposite Party No.2 out of her own volition.

6. Mr. Mohapatra, learned Additional Standing Counsel places on record, a verification report from the IIC, Sadar P.S. Balasore Sri Ashok Kumar Nayak dtd. 06.01.2022 indicating that the subject matter of the dispute i.e., Balasore Sadar P.S. Case No.154/1999 in which the present Opposite Party No.2 is the informant has been settled amicably and she has in fact filed an affidavit which is on record at Flag-B. The communication received by the Office of the Advocate General, Cuttack relied upon by the learned ASC is kept on record.

7. In view of the affidavit at Flag-B coupled with the verification report placed by the learned ASC, this Court in exercise of power under Section 482 Cr.P.C directs that the proceeding i.e., Special Case No.7/44 of 2015/2007 on the file of Learned Special Judge, SC/ST Court, Balasore arising out of Balasore Sadar P.S. Case No. 154 of 1999 is quashed in terms of the law laid down by the Apex Court in the Case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karkur and others v. State of Gujarat and another***, reported in ***AIR 2017 SCC 4843***.

8. The CRLMC thus stands disposed of.
9. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*

