

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3460 of 2019

Sadananda Pani and Another

....
Mr. A.K. Sarangi, Advocate

Petitioners

-Versus-

State of Odisha and Another

....
Mr. Tapas Kumar Praharaj, SC, OP No.1
Mr. G.K. Parida, Advocate for OP No.2

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.12.2022

Order No.

- 06.
1. Heard learned counsel for the respective parties.
 2. Prayer in the present case is for quashing of the impugned order dated 18th February, 2012 passed by the learned S.D.J.M., Panposh in ICC Case No.194 of 2011 under Annexure-1 on the grounds stated therein.
 3. A copy of the complaint in ICC Case No. 194 of 2011 is at Annexure-2 and the same is perused by the Court.
 4. Learned counsel for the petitioners submits that petitioners are police officers against whom a complaint is filed by opposite party No.2 but in the meantime, there has been a compromise between them and on account of such settlement reached at between the parties, the criminal proceeding pending before the learned court below should be quashed in the interest of justice. The fact of compromise is admitted by learned counsel for opposite party No.2

5. An affidavit is sworn by opposite party No.2 which is at Flag-A and the same is also perused by this Court. As per opposite party No.2, on account of mutual settlement between the parties, the matter has been settled and he does not have any objection in the event the proceeding in ICC No.194 of 2011 pending before the learned court below is quashed.

6. Having regard to the above facts and compromise between the parties notwithstanding the fact that some of the offences are non-compoundable in nature, the Court is of the view that no worthy purpose would be served to continue the criminal proceeding, which therefore should be terminated. The Court is aware of the settled position of law laid down by the Apex Court in the case **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein, it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances of a particular case. Accordingly, it is ordered.

7. Consequently, the criminal proceeding in ICC Case No.194 of 2011 pending in the court of learned S.D.J.M., Panposh is hereby quashed.

8. With the above direction, the CRLMC stands disposed of.

9. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge