

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3319 of 2022

Basant Prasad and Others

....

Petitioners

Mr. Pabitra Kumar Nayak, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Radharaman Dasnayak,
Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.11.2022

Order No.

01.

1. Heard learned counsel for the respective parties.
2. Learned counsel for the petitioner and opposite party No.2 submits that there has been a compromise between the parties and refer to the joint affidavit filed by them which is at Flag-B.
3. After lodging the FIR, Plantsite P.S. Case No.96 of 2021 was registered under Sections 341, 294, 323, 354, 447, 448, 506, 34 IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST PoA Act. It is submitted by learned counsel for the opposite party No.2 that initially a complaint was filed which was registered as Plantsite P.S. Case No.96 of 2021 and thereafter chargesheet has been filed, which is at Annexure-2 series, consequent upon which G.R. Case No.8 of 2021 was registered pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela.
4. Referring to the joint affidavit filed by the parties, it is submitted that since there has been a compromise between both the

sides, no fruitful purpose would be served to continue the criminal proceeding before the court below in Special G.R. Case No.08 of 2021 and it should be quashed.

5. Mr. Praharaj, learned counsel for the State submits that the offences under Section 3(1)(r), 3(1)(s) and 3(2)(va) are not compoundable.

6. Having regard to the joint affidavit as at Flag-B, there has been a compromise between the parties, which is acknowledged by learned counsel for the opposite party No.2 who is the informant and in view of the decision of the Apex Court in the case of **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 particular to a case. It is observed that no worthy purpose would be served to allow continuance of the further proceeding before the learned court below as there is a remote possibility of conviction. In other words, it is a fit case, where inherent jurisdiction can be exercised to quash the proceeding.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed.

9. Consequently, the criminal proceeding in G.R. Case No.8 of 2021 arising out of Plantsite P.S. Case No.96 of 2021 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Rourkela is hereby quashed.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge