

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3404 of 2022

Marg Darshan Foundation and Another Petitioners
Mr. A. Tripathy, Advocate

-Versus-

Nishakar Rout Opposite Party
Mr. A. Nayak, Advocate for O.P.

CRLMC No.3317 of 2022

Surabala Sahoo Petitioner
Mr. A. Mishra, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. S.S. Mohapatra, ASC
Mr. A. Nayak, Advocate for O.P. No.2

CRLMC No.3406 of 2022

Marg Darshan Foundation and Another Petitioners
Mr. A. Tripathy, Advocate

-Versus-

Nishakar Rout Opposite Party
Mr. A. Nayak, Advocate for O.P.

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
25.11.2022

Order
No.

01.

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

2. Instant petitions have been filed by the petitioners for quashing of the criminal proceedings in connection with (ICC No.2245 of 2015 in CRLMC No.3404 of 2022), (C.T. Case No.3172 of 2015 in CRLMC No.3317 of 2022) and (ICC No.2244 of 2015 in CRLMC No.3406 of 2022) respectively on the ground of compromise and a settlement reached at between the parties with an understanding to bring all the litigations to an end.

3. Mr. Mishra, learned counsel for the petitioners submits that such a compromise has been arrived at in the meantime and on account of such an amicable settlement, the informant has agreed to accept an amount of Rs.28 lac towards full and final settlement and under the above circumstances, the criminal proceedings which are pending before the learned court below should be terminated in the interest of justice. While claiming so, Mr. Mishra, learned counsel for the petitioners files an affidavit sworn by opposite party No.2 (CRLMC No.3317 of 2022) which is to cover the other two cases wherein the fact of compromise has been stated with an understanding that he is to receive said amount of Rs.28 lac from one of the petitioners, namely, wife of late Gangadhar Sahoo. The learned counsel for opposite party No.2 admits the fact of such settlement between the parties.

4. The informant and one of the petitioners, namely, Surabala Sahoo being present in the Court today have produced the original Aadhar cards in support of their identity proof and admit the fact of compromise. Besides that, Mr. Mishra, learned counsel for the petitioners submitted demand drafts for total amount of Rs.28 lac payable to the informant for the Court's perusal. It is contended by Mr. Nayak, learned counsel for the opposite party as well as learned counsel for the petitioners that since there is a compromise and

toward final settlement, an amount of Rs.28 lac is ready for payment to the informant, the proceedings which have been pending before the court below should be quashed in exercise of the Court's inherent jurisdiction under Section 482 Cr.P.C.

5. Mr. Mohapatra, learned counsel for the State submits that in view of the aforesaid development, appropriate orders may be passed by the Court.

6. Mr. Mishra, learned counsel for the petitioners submits that after such compromise, the informant has agreed to return both the cheques which stood dishonoured along with the original agreement which he had to Ms. Surabala Sahoo, wife of late Gangadhar Sahoo.

7. Having regard to the above facts and submissions of respective parties and keeping in view the position of law enunciated by the Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 and followed in plethora of other decisions which is with regard to the powers of the Court to exercise inherent as well as writ jurisdiction to quash criminal proceedings, the Court is of the view that it is fit where on account of the compromise and settlement between the parties, the criminal proceedings pending before the court of learned S.D.J.M., Bhubaneswar should be brought to an end notwithstanding the fact that one of the offences under Section 294 IPC non-compoundable in nature.

8. Accordingly, it is ordered.

9. In the result, CRLMCs stand disposed of. Consequently, the criminal proceedings in connection with (ICC No.2245 of 2015 in CRLMC No.3404 of 2022), (C.T. Case No.3172 of 2015 in CRLMC

No.3317 of 2022) and (ICC No.2244 of 2015 in CRLMC No.3406 of 2022) pending in the file of learned S.D.J.M., Bhubaneswar are hereby quashed.

10. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

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