

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3427 of 2022

Arun Kumar Dhir & Others

....

Petitioners

Mr.S.K.Dash, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

CRLMC No. 3428 of 2022

Tikeswar Pradhan & Others

....

Petitioners

Mr.S.P.Dash, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.12.2022

Order No.

01. 1. Heard learned counsel for the petitioners and Mr. Mohapatra, learned counsel for the State.
2. Instant petitions under Section 482 of Cr.P.C. have been filed by the petitioners assailing the impugned orders of cognizance dated 8th October, 2021 and 3rd December, 2022 respectively as well as the

criminal proceedings in G.R. Case No. 285 of 2022 corresponding to Gondia P.S. Case Nos. 176 of 2021 and I.C.C. Case No. 15 of 2021 respectively pending before the court of learned JMFC, Gondia on the ground of compromise between the parties.

3. Perused the copies of the F.I.R. and the complaint.

4. Learned counsel for the petitioners submits that after the alleged incident, a compromise was reached between the parties in respect of which affidavits have been filed. According to the learned counsel for the petitioners, in view of the aforesaid development as the parties have settled the differences and compromised, the proceedings pending before the learned court below should be quashed in the interest of justice.

5. Mr. Mohapatra, learned counsel for the State offered objection to the quashing of the criminal proceedings since some of the offences are not compoundable in nature.

6. The affidavits in respect of G.R. Case No. 285 of 2021 and I.C.C. Case No. 15 of 2021 are perused by the Court and it is ascertained that the parties have reached at a settlement after the alleged incident.

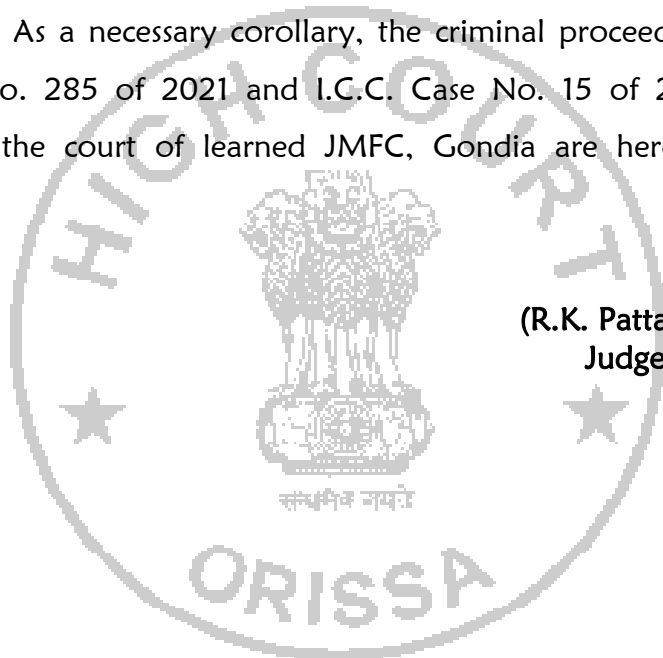
7. Considering the above facts and submissions of the learned counsel for the respective parties and keeping in view the legal position with regard to exercise of inherent jurisdiction for the purpose of the quashing of the criminal proceedings as laid down by the Supreme Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675**, the Court is of the view that no fruitful purpose would be served to allow the proceedings to continue before the learned court below as there is remote possibility of conviction as well

especially after the parties have settled the matter and compromised and though some of the offences are not compoundable in nature but in the best interest of parties, the proceedings should be quashed. In other words, it is a fit case where in exercise of inherent jurisdiction under Section 482 Cr.P.C., the proceedings pending before the learned court of JMFC, Gondia should be quashed.

8. Accordingly, it is ordered.

9. In the result, CRLMCs stand allowed.

10. As a necessary corollary, the criminal proceedings in G.R. Case No. 285 of 2021 and I.C.C. Case No. 15 of 2021 pending before the court of learned JMFC, Gondia are hereby quashed.



(R.K. Pattanaik)
Judge