

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3487 of 2022

Pranab Kishore Lenka and Others Petitioners
Mr. Pradeep Kumar Kundu, Advocate

-Versus-

State of Orissa and Another Opposite Parties
Mr. Sitikanta Mishra, ASC, OP No.1
Mr. Hemanta Kumar Tripathi, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.11.2022

Order No.

01. 1. Mr. Hemanta Kumar Tripathi, learned counsel has entered appearance for opposite party No.2 and files his Vakalatnama along with certified copy of medical examination report in Court which are taken on record.
2. The name of Mr. Tripathi, learned counsel for the petitioners be reflected in the brief as well as in the cause list.
3. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.
4. Instant petition under Section 482 Cr.P.C. is filed by the petitioners assailing the impugned order dated 30th July, 1999 passed by the learned J.M.F.C.(R), Niali, Cuttack in G.R. Case No.503 of 1999 on the grounds stated therein.
5. Leaned counsel for the petitioners and opposite party No.2 submit that there has been a compromise between the parties and in

so far as the offence under Section 307 IPC, it is not made out considering the nature of injury received by the victim, namely, opposite party No.2 and in view of the above, the proceeding which is pending before the learned J.M.F.C.(R), Cuttack in G.R. Case No.503 of 1999 should be quashed in the interest of justice.

6. The affidavit sworn by opposite party No.2 is filed in Court today by the learned counsel for him besides a copy of the medical examination report of opposite party No.2 is produced which suggests that the victim did not receive any grievous injury and it is only an abrasion. It is submitted that in view of the nature of injury received by opposite party No.2 and keeping in view the fact that the matter has been compromised between both the sides, no fruitful purpose would be served in continuance of the criminal proceeding, which is therefore required to be quashed.

7. Mr. Mishra, learned ASC for the State submits that some of the offences are not compoundable in nature and hence, the proceeding should not be quashed notwithstanding the compromise between the parties.

8. Considering the injury which is an abrasion and simple in nature received by the opposite party No.2 and the fact that the matter is compromised supported by an affidavit dated 15th November, 2022, the Court is of the view that no purpose would be served in keeping the proceeding alive. The Court in exercise of jurisdiction under Section 482 Cr.P.C. and law as laid down by 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 peculiar to a case. the criminal proceeding should be quashed in view of the compromise between the parties. It is also of the view that since the incident is of the year 1999 and more than 20 years have been passed in the meantime and a

compromise is reached at between the parties, the criminal proceeding should be brought to an end. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed.

10. Consequently, the criminal proceeding in G.R. Case No.503 of 1999 pending in the court of learned J.M.F.C.(R), Niali, Cuttack is hereby quashed.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

