

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3505 of 2022

Ayush Behera and Another

....
Mr.S.S. Ray 2, Advocate

Petitioners

-Versus-

State of Odisha and Another

....
Mr. Sitikanta Mishra, ASC for State, OP No.1
Mr. Ashok Kumar Behera, Advocate for OP No.2

Opposite Parties

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.4158 of 2022 arising out of Thelkoli P.S. Case No.252 of 2022 pending in the court of learned S.D.J.M, Sambalpur on the ground of compromise.
 3. A copy of the FIR is at Annexure-1 and the same is perused by the Court.
 4. On a report being lodged, Thelkoli P.S. Case No.252 dated 14.10.2022 was registered against the petitioners for the offences under Sections 447, 294, 506, 323, 386, 408 and 34 of IPC.
 5. Learned counsel for the petitioners submits that no chargesheet has yet been filed in the present case.
 6. Learned counsel for opposite party No.2 submits that parties have settled their differences after compromise and therefore, the criminal proceeding which is pending before the learned court below should be quashed in the interest of justice and

while claiming so, he refers to the affidavit sworn by opposite party No.2, namely, the informant.

7. Mr. Mishra, learned counsel for the State submits that some of the offences are not compoundable in nature and therefore, the proceeding should not be quashed.

8. The affidavit sworn by opposite party No.2 is perused by this Court. It is stated therein that opposite party No.2 and petitioner No.1 have compromised the matter and settled the issues and at present, the former do not have any grievance against the latter. The opposite party No.2 is present in Court through virtual mode and he admits the fact of compromise between the parties by referring to the affidavit sworn by him and pleads to quash the criminal proceeding in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C.

9. This Court is aware of the law laid down by the Supreme 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 of a case and also where the offences are not compoundable in nature. The Court is also of the view that it is a fit case where such jurisdiction should be exercised in order to meet the ends of justice.

10. Accordingly, it is ordered.

11. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.4158 of 2022 arising out of Thelkoli P.S. Case No.252 of 2022 pending in the court of learned S.D.J.M, Sambalpur is hereby quashed.

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

(R.K. Pattanaik)
Judge