

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3513 of 2022

Debasis Pattayat @ Dipu and Another Petitioners
Mr. Pullin Martha, Advocate

-Versus-

State of Odisha and Others Opposite Parties
Mr. S. S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.11.2022

Order No.

01.

1. Heard learned counsel for the respective parties.
2. Instant petition is filed for quashing of the entire proceeding in connection with Jatni P.S. Case No.371 of 2022 corresponding to G.R. Case No.643 of 2022 pending in the court of learned J.M.F.C., Jatni on the ground of compromise between the parties.
3. Learned counsel for the petitioner refers to the contents of the FIR under Annexure-2 and submits that the alleged incident took place during and in course of a village meeting and further in the meantime, there has been a settlement between both the sides and while claiming so, cites the affidavit filed in Court today sworn by the informant as well as the injured.
4. Learned counsel for the petitioner and informant submits that there has been a compromise between the parties and hence the informant does not have any objection, if the criminal proceeding is quashed by the order of this Court.

5. Mr. Mohapatra, learned ASC for the State submits that the offence under Section 307 IPC as involved is not compoundable in nature.

6. The Court perused the joint affidavit filed by the informant and injured and they stated therein that the matter has been settled and informant does not want to proceed with the case any further.

7. Notwithstanding the fact that some of the offences are not compoundable in nature, recording the statement of learned counsel for the informant that the victim has not received any grievous injury on account of alleged assault, the Court feels that since there has been a compromise between the parties, the continuance of the proceeding against the petitioner in G.R. Case No.642 of 2022 should be brought to an end by exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C. as no fruitful purpose would be served in keeping the proceeding alive.

8. The Court is aware of the decision of the Apex in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 wherein the power and limitations in the exercise of inherent jurisdiction of the Court has been elaborately discussed and also that it may be exercised to quash criminal proceedings notwithstanding some of the offences not to be compoundable.

9. In view of the above conclusion, this Court is of the view that it is a fit case to exercise inherent jurisdiction under Section 482 Cr.P.C. to quash the present proceeding. Accordingly it is ordered.

10. In the result, the CRLMC stands allowed.

11. Consequently, the criminal proceeding in G.R. Case No.643 of 2022 arising out of Jatni P.S. Case No.371 of 2022 pending in the court of learned J.M.F.C., Jatni is hereby quashed.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

