

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2316 OF 2021

Manoj Kumar Dash

***..... Petitioner
Mr. Bigyan Kumar Sharma, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Miss Sanjibani Mishra, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
04.04.2022**

**Order No.
04.**

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Bigyan Kumar Sharma, learned counsel for the petitioner and Miss Sanjibani Mishra, learned Additional Standing Counsel for the State and Mr. Omkar Devdas, learned counsel appearing for the informant-Opposite Party No.2.
3. The Affidavit filed by the Opposite Party No.2 is taken on record.
4. Seeking quashing of Order dtd. 22.07.2020 in criminal proceeding in G.R. Case No. 1686 of 2019 on the file of learned S.D.J.M. (S), Cuttack arising out of Markat Nagar P.S. Case No. 180 dtd. 22.10.2019, the aforesaid CRLMC has been filed.

5. It was specifically asserted in the CRLMC that, the offence alleged is predominantly a commercial dispute, which has been given a colour of criminality and since the matter has been resolved, interference of this Court is sought in exercise of power under Section-482 Cr.P.C to quash the proceeding since it's continuance would be an exercise for futility.

6. Mr. Omkar Devdas, learned counsel on receipt of notice has entered appearance on behalf of the Opposite Party No.2 and files an affidavit of the said Opposite Party indicating settlement in Paragraph-2 thereof. For convenience of reference the said paragraph is quoted hereunder;

"2. That, I have received the entire sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) from the Petitioner, Manoj Kumar Dash and therefore, I do not want to proceed further against the Petitioner."

7. Learned counsel for the petitioner places reliance on the judgment of the Apex Court reported in **2021 (II) OLR (SC) -807** wherein the Apex Court has categorically said that, the offences which are predominately of a private nature can be annulled irrespective of fact that, the trial has already been concluded or appeal stands dismissed against conviction.

8. It is worth stating here that in the case at hand, cognizance has been taken and hence in view of the settlement referred to above directing the petitioner to go through the rigorous of law, would be an exercise in futility and hence this Court in exercise of the power under Section-482 Cr.P.C. directs

quashing of the proceeding pending on the file of learned S.D.J.M. (S), Cuttack in G.R. Case No. 1686 of 2019.

9. The CRLMC is accordingly disposed of.
10. Urgent certified copy of this order be granted as per rule.

(V.Narasingh)
Judge

Balaram

