

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3688 of 2022

Akshya Das

....

Petitioner

Mr. Akshaya Kumar Sahoo, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC, OP No.1

Mr. Sarbeswar Sahoo, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.12.2022

Order No.

02.

1. Heard Mr. A.K. Sahoo, learned counsel for the petitioner and Mr. S.S. Mohapatra, learned ASC for State.
2. Mr. Sarbeswar Sahoo, learned counsel has entered appearance for opposite party No.2 and files Vakalatnama in Court today.
3. Learned counsel for the petitioner and opposite party No.2 submit that the matter has been compromised and in the meantime, chargesheet has been received. While claiming so, an affidavit is filed by the informant, which is taken on record.
4. The informant, namely, victim is present in Court today along with his identity proof. In fact, a copy of the original Aadhar card is produced before this Court in support of the informant's identification and the same is perused
5. Mr. Mohapatra, learned counsel for the State offers an objection to the quashing of the proceeding initiated against the petitioner.

6. The affidavit is perused wherein opposite party No.2 has stated about the compromise and having received an amount of Rs.61,000/- in the shape of cash from the petitioner which was accomplished in presence of the witnesses. It is further stated therein that due to compromise, the petitioner is not interested to prosecute the case any further. On being asked, opposite party No.2 admits the fact of having received the entire amount from the petitioner after the compromise. Having regard to the aforesaid development and compromise between the parties and opposite party No.2 since already received an amount of Rs.61,000/- so admitted in the shape of affidavit filed today, the Court is of the view that no fruitful purpose would be served in keeping the criminal proceeding alive before the learned court below and therefore, it should be quashed in the interest of justice.

7. Accordingly, it is ordered.

8. Consequently, the CRLMC stands allowed.

9. As a necessary corollary, the criminal proceeding in G.R. Case No.350 of 2022 pending in the court of learned S.D.J.M., Malkangiri arising out of Malkangiri P.S. Case No.302 of 2022 is hereby quashed.

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

(R.K. Pattanaik)
Judge