

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3731 of 2022

Harekrushna Das

.... Petitioner
Mr. A.K. Sahoo, Advocate

-Versus-

State of Orissa and Another

.... Opposite Parties
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.12.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the petitioner submits that there is a compromise between the parties and therefore, the informant/victim is not inclined to pursue the matter.
3. The parties are physically present in Court today.
4. Even an affidavit sworn by informant is filed in the Court today.
5. Learned counsel for the petitioner submits that in view of the compromise, the criminal proceeding in G.R. Case No.3094 of 2021 pending before the learned S.D.J.M., Bhadrak should be quashed and while claiming so, the affidavit filed by opposite party No.2 is referred.
6. The petitioner is not married to the victim, namely, opposite party No.2. The petitioner has been chargesheeted for the

offences under Sections 307 and 511 IPC along with other allied offences as revealed from Annexure-3.

7. Learned counsel for the petitioner however submits that in view of the compromise reached at between the parties if the Court is not inclined to pass any such order for quashing of the proceeding it should at least allow the petitioner to surrender before the learned court below and released on bail. Mr. Mohapatra, learned ASC for the State opposed the contention of other side. Having regard to the FIR and the allegations contained therein and circumstances leading to the lodging of report, the Court is of the view that the criminal proceeding pending before the learned S.D.J.M., Bhadrak cannot be quashed. However, it is also view that the petitioner and the victim as said to have compromised the matter out of the court, the former should be allowed to surrender and released on bail so as enable him to him to participate in the enquiry and trial which would serve the purpose for the present and accordingly it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Bhadrak on or before 23rd December, 2022 in connection with G.R. Case No.3094 of 2021 and in the event he surrenders within the time stipulated, the court below shall release him on bail subject to conditions.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge