

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3872 of 2022

Sk. Rajik Uddin and Others

....

Petitioners

Mr. Saroj Kumar Padhi, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

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

Mr. R.B. Mishra, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.12.2022

Order No.

01. 1. Mr.Rajib Bihari Mishra, Advocate has entered appearance for the opposite party No.2 and files Vakalatnama along with an Affidavit in Court today, which is taken on record.
2. Heard learned counsel for the petitioners, the State and Mr.R.B. Mishra, learned counsel for opposite party No.2.
3. Instant petition under Section 482 Cr.P.C. is filed by the petitioners assailing the impugned order of cognizance dated 6th January, 2018 passed by the learned Additional District Judge, Nimapara in S.T. Case No.134 of 2022 in G.R. Case No.323 of 2017 arising out of Gop P.S. Case No.159 of 2017 on the ground of compromise.
4. Learned counsel for the petitioners submits that there is a compromise between the parties and on account of such compromise, the proceeding which is pending before the learned court below should be brought to an end.

5. Learned counsel for opposite party No.2 files an affidavit sworn by opposite party No.2 stating the fact of compromise. Learned counsel for the petitioner as well as learned counsel for the opposite party No.2 files a joint affidavit and one of the injured is a signatory to the said affidavit. However, the Court finds that the informant-injured has not put his signature to the compromise petition under Annexure-5.

6. In any view of the matter, since the informant's husband received simple injury, which is revealed from the medical evidence on record and considering the affidavit filed by opposite party No.2 and submission of learned counsel for the petitioners as well as opposite party No.2 with regard to the fact that the settlement has been reached at, the Court is of the view that no fruitful purpose would be served in the continuance of criminal proceeding. In other words, keeping in view the compromise between the both the sides and having regard to the settled position of law of the Apex 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 where offences are not compoundable in nature, the Court finds it to be a fit case to quash the proceeding. Accordingly, it is ordered.

7. Consequently, the criminal proceeding in S.T. Case No.134 of 2022 corresponding to G.R. Case No.323 of 2017 arising out of Gop P.S. Case No.159 of 2017 passed by the learned Additional District Judge, Nimapara is hereby quashed.

8. With the above direction, the CRLMC stands disposed of.

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

(R.K. Pattanaik)
Judge