

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3991 of 2022

Sanjaya Pradhan

....

Petitioner

Mr. Soumya Ranjan Das, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

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

Mr. Santosh Sethi, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.12.2022

Order No.

- 01.
1. Mr.Santosh Sethi, Advocate has entered appearance for the opposite party No.2 and files Vakalatnama along with an affidavit in the Court today, which is taken on record.
 2. Heard learned counsel for the petitioner, learned counsel for the State and Mr.Santosh Sethi, learned counsel for opposite party No.2.
 3. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the proceeding in C.T. Case No.116 of 2020 arising out of Baramba P.S. Case No.169 of 2020 pending in the file of learned Presiding Officer, Special Court (SC & ST), Cuttack on the ground of settlement reached at between the parties.
 4. Perused the copy of the FIR at Annexure-1.
 5. Learned counsel for the Petitioner submits that the petitioner is a Government servant and he has been chargesheeted

under Annexure-2 but in the meantime, there has been a compromise between both the sides which is supported by an affidavit of the informant and considering the same and that the differences between them have been sorted out, the criminal proceeding pending before the Presiding Officer, Special Court, Cuttack should be brought to an end in exercise of inherent jurisdiction of this Court.

6. Mr.Santosh Sethi, learned counsel appearing for the opposite party No.2 admits the fact of compromise between the parties.

7. Informant, opposite party No.2 is physically present in the Court today with his identity proof as well as the original Aadhar card and the same is perused and on being asked, he admitted to have received a head injury but then claimed about compromise between him and the petitioner.

8. Affidavits filed by opposite party No.2 as well as petitioner are perused by this Court wherein it is stated that the matter has been amicably settled between them. Opposite party No.2 on account of such settlement stated that he does not want to pursue the case against the petitioner any further.

9. Considering the aforesaid development and the fact that the parties have compromised the matter and at present are having cordial relationship, which is claimed by opposite party No.2 in the affidavit and having regard to the fact that the petitioner is the only accused and has been chargesheeted and other accused persons were let off at the end of the investigation, the Court is of the view that on account of such settlement reached at, no fruitful purpose would be served to keep the criminal proceeding alive before this Court as it would be a futile exercise by subjecting him to a full-fledged trial notwithstanding the fact that opposite party No.2 received grievous head injury by the assault of the accused, the

criminal proceeding which is pending before the learned court below should be brought to an end and terminated in the best interest of parties. The Court is aware of the settled position of law as laid down by 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 to terminate the proceedings in the facts and circumstances of the case even when some offences are not compoundable in nature.

10. Accordingly, it is ordered.

11. Consequently, the criminal proceeding in C.T. Case No.116 of 2020 arising out of Baramba P.S. Case No.169 of 2020 pending in the file of learned Presiding Officer, Special Court (SC & ST), Cuttack is hereby quashed.

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

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

(R.K. Pattanaik)
Judge

U.K.Sahoo