

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2894 of 2021

Subhranshu Biswal @ Subhranshu ***Petitioners***
Sekhar Biswal & others

Mr. Bibhu Prasad Das, Adv.

-versus-

State of Odisha & Anr. ***Opposite Parties***
Mr. K. Gaya, ASC
Mr. S. Sourav, Adv. For O.P. No. 2

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
28.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Mr. S. Sourav, learned counsel appearing for the opposite party No. 2 and Mr. Bibhu Prasad Das, learned counsel appearing for the petitioners have filed a joint settlement on 23.12.2021 between the parties before this Court stating therein that in the meantime the dispute between the parties has been settled amicably.
3. Heard learned counsel for the parties.
4. The present application under Section 482 of the Cr.P.C. has been filed by the petitioners with a prayer to quash the entire criminal proceeding arising out of Nayapalli P.S. Case No. 145 of 2021 corresponding to C.T. Case No. 1632 of 2021 pending in the court learned S.D.J.M., Bhubaneswar..
5. The facts of the case are that the present opposite party No. 2 lodged an F.I.R. in Nayapalli P.S. on 17th March, 2021 alleging

therein that he was a tenant of the house at Plot No.N-3/211, IRC Village, Bhubaneswar, where the occurrence took place. On the day of the occurrence, the petitioners assaulted the informant by a sharp object which caused him a bleeding injury , ransacked his offence and also took away some valuables, business related files, mobile phones, computers and cash to the tune of Rs.65,000/- and also coerced him to vacate the house. As such the Opp.Party No.2 lodged report before Police Station leading to registration of the P.S. Case and G.R.Case as mentioned above.

6. An affidavit has been filed being sworn by the opposite party no.2-the informant. A reading of the affidavit reveals that there is no further dispute between the parties and the matter has been settled by the family members as well as the well wishers of both the parties. They have agreed to live peacefully without any further disturbances. It is also mentioned in the affidavit that as the matter has been amicably settled between the parties, the opposite party No.2 will have no objection if the proceeding initiated against the petitioners is quashed. On being asked, the informant being present in the Court fully supported the contents of the affidavit and asserted that he had no objection to settlement.

7. On the above basis, it is submitted that the proceeding had been initiated due to misunderstanding, but has been resolved amicably and as the concerned parties do not wish to continue with it, the same may be quashed.

8. Considering the submissions as noted above and the affidavit filed by the Opposite Party No.2-informant, it is evidence that the dispute between the parties has been amicably settled and moreover, the parties have been residing peacefully.

9. Under such circumstances, no fruitful purpose would be served by allowing continuance of the criminal proceedings against the petitioners especially when the chance of their conviction in the said case is bleak. This Court is therefore, inclined to allow the prayer of the petitioners. The proceedings in C.T. Case 1632 of 2021 arising out of Nayapalli P.S. Case No.145 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar under Sections 450/395//120-B of the Indian Penal Code and all consequential criminal proceedings are hereby quashed.

10. The CRLMC is accordingly, disposed of.

11. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

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