

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2908 of 2021

Umang Kapoor and another Petitioners
Mr.Tushar Kumar Mishra, Advocate

-Versus-

State of Odisha and others Opposite Parties
Mr. Pradip Kumar Rout, AGA, O.P. No.1
Mr. Bitas Kumar Swain for O.P. Nos.2 to 6

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.08.2022

Order No.

01. 1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party Nos.2 to 6.
2. The present petition under Section 482 Cr.P.C. has been filed by the petitioners challenging the order of cognizance dated 24th December, 2020 passed by the learned J.M.F.C. (Rural), Rourkela in G.R. Case No.828 of 2020 arising out of Tangerpalli P.S. Case No.187 of 2020, on the grounds stated therein.
3. Perused the FIR at Annexure-1 and also the order of cognizance, which is at Annexure-2.
4. Learned counsel for the petitioners submits that there has been a compromise between the parties and all the dues have been paid to opposite party No.2, who have filed an affidavit and

considering the same, the criminal proceeding in G.R. Case No.828 of 2020 should be quashed.

5. Learned counsel appearing for opposite party Nos.2 to 6 submits that in fact there has been a compromise and the matter has been settled between the parties and to that effect, affidavits have been filed which are at Flags-A to E.

6. On perusal of the affidavits by opposite party Nos.2 to 6, it is made clear that they have reached at a settlement out of the court and claimed to have received the full and final amount payable to each of them. It is further mentioned therein that the informant, opposite party No.2 and others do not want the present proceeding to continue rather expressed their unwillingness in that regard.

7. So far as the offences are concerned, it reveals from Annexure-1 that Tangarpali P.S. Case No.187 dated 22nd October, 2020 was registered under Sections 120-B/420 of I.P.C. and Section 4 of Prevention of Money Laundering Act, 2002 and Section 138 of Negotiable Instruments Act, 1881. The allegations were that the petitioners have collected the gold items from opposite party no.1 and others and sold it to others, who are not present before this Court. Admittedly the offence under Section 420 of IPC is not compoundable in nature. Learned counsel for the petitioner submits that since parties have reached at a settlement, no fruitful purpose would be served in allowing continuance of criminal proceeding and therefore, it should be dropped.

8. On a perusal of the evidence, there is no denial to the fact of compromise as claimed by the parties and opposite party Nos.2 to 6 stated to have received whatever amount due and payable to them from the petitioners. It is settled law that in the circumstances, notwithstanding the fact that any offences not compoundable in nature, the Court in exercise of inherent jurisdiction under Section 482 Cr.P.C. may quash a proceeding which entirely depends on

each particular case. The above view has been affirmed in the judgment of the Apex Court in the case of **State of Haryana and others Vrs. Ch. Bhajan Lal and others reported in 1990 SCR Supp.(3) 259.**

9. Having regard to the submissions of learned counsel for the parties and considering the facts on record, since it is clearly revealed that the dispute between the parties have been amicably resolved, no useful purpose would be served in allowing continuance of criminal proceeding and therefore, it should be terminated and put to rest in order to ensure no further litigation between the parties.

10. Accordingly, it is ordered.

11. For the reasons stated, the CRLMC stands allowed. The criminal proceeding in G.R. Case No.828 of 2020 arising out of Tangerpalli P.S. Case No.187 of 2020 pending in the file of learned J.M.F.C. (Rural), Rourkela is hereby quashed.

(R.K. Pattanaik)
Judge

U.K.Sahoo