IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3765 of 2023

Maheswar Mallick @ Mahi & another .... **Petitioners**

Mr. B.B. Routray, Advocate

-versus-

State of Odisha & another .... **Opp. Parties**

Mr. S.N. Biswal, ASC
Mr. P.K. Maharaj, Advocate for
opposite party no.2

CORAM:
JUSTICE SIBO SANKAR MISHRA

Order No.	**ORDER** **09.12.2024**
02.	**1.** Heard learned counsel for the parties.

2. At the instance of the opposite party no.2, the F.I.R., i.e., Baramba P.S. Case No.297 of 2022 came to be registered against the petitioners under Sections 341/294/323/353/506/34 of the IPC pending in the Court of learned J.M.F.C., Baramba.

3. The prosecution case is that on 26.10.2022 at about 7.30 P.M., the accused persons came to the residence of the complainant and wrongfully restrained him, abused him in filthy languages and assaulted him by a stone and threatened him to kill in furtherance of their common intention. Hence, the

F.I.R.

4. After investigation, Charge Sheet has been filed on 30.11.2022 for the alleged commission of offences punishable under Sections 341/ 294/ 323/ 506/ 34/ 353 of the IPC. Subsequently, the learned Court below vide order dated 13.01.2023 has taken cognizance of the aforementioned offences. When the matter stood thus, the parties have settled their dispute. Therefore, the petitioners have filed the present petition for quashing of the entire criminal prosecution on the ground of settlement.

5. The petitioners and opposite party no.2 appeared before this Court in person being identified by their respective counsel and have filed their self-attested xerox copies of Aadhar Card to establish their identity, which are taken on record.

6. The petitioners and opposite party no.2 have filed a joint affidavit dated 09.12.2024, *inter alia*, stating as under:

> *"1. That during pendency of the Criminal Case the dissension and the dispute between the parties has already been settled in presence of well wishers and village gentries. And further the compromise has already been held between us and there is no ill feeling existing between the parties.*
> *2. That the informant/ opposite party no.2 has no objection if the proceeding which is pending before the learned J.M.F.C., Baramba in connection with G.R. Case No.284 of 2022 arising out of Baramba PS Case No.297 of 2022, registered under Sections 341,323,294,353,506/34 IPC may be quashed."*

7. On the query from the Court, the opposite party no.2, who is present in Court today, has stated that he has already settled the dispute with the petitioners on the intervention of the well-wishers and village gentires. Therefore, he does not want to proceed against the petitioners any more. Hence, he joins the petitioners praying for quashing of the criminal case.

7. Mr. Biswal, learned counsel for the State submits that since the offences are primarily *inter se* parties and the parties have already settled their dispute, this Court may give indulgence, as there is no legal impediment.

8. Regard being had to the nature of offences and the fact the parties have already settled their dispute, the present case is squarely covered by the judgments of the Hon'ble Supreme Court in the cases of ***Gian Singh vs. State of Punjab and another,*** reported in ***2012 (10) SCC 303, B.S. Joshi & others vs. State of Haryana & another,*** *reported in* ***(2003) 4 SCC 675*** *and* ***Madhavraoji Wajirao Scindia and another Vrs. Sambajirao Chandrojirao Angre and others,*** *reported in* ***AIR 1988 SC.*** Therefore, subjecting the petitioner to the rigors of trial will be a futile exercise. I am inclined to quash the criminal proceeding.

9. In view of the aforementioned submissions made at bar, Baramba P.S. Case No.297 of 2022 corresponding to G.R. Case No.284 of 2022 pending in

the Court of learned J.M.F.C., Baramba and the consequential proceedings arising therefrom qua the petitioner are quashed. The petitioners are directed deposit Rs.5,000/- (Rupees five thousand) with the Cuttack District Court Bar Association and also pay Rs.5,000/- (Rupees five thousand) to the opposite party no.2.

10. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

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Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 14-Dec-2024 19:08:39