IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3543 of 2024

Srikanta Behera @ Sukanta .... **Petitioner**

Mr. S. Mishra, Advocate

-versus-

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

Mr. U.R. Jena, AGA

CORAM:

JUSTICE SIBO SANKAR MISHRA

Order No.	**ORDER** **17.12.2024**
04.	**1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
	2. Heard learned counsel for the parties.
	3. At the instance of the opposite party no.2, the F.I.R., i.e., Delanga P.S. Case No.7 of 2023 came to be registered against the petitioner for the alleged commission of offences under Sections 307/328 of the IPC corresponding to G.R. Case No.11 of 2023 pending in the Court of learned J.M.F.C., Pipili. The victim in the present case is one of the brothers of the petitioners and the dispute is arising out of distribution of paddy in the family.
amit	**4.** The prosecution case is that the informant/ opposite party no.2 reported the written report before the IIC, Delanga Police Station alleging therein that on

31.12.2022 at night, his elder son after taking his dinner took water from a bottle in which his younger son (present petitioner) mixed poison in the bottle as a result of which his elder son became serious. So the informant shifted the victim/elder son to Sakhigopal Hospital and thereafter shifted to Sri Hospital, Bhubaneswar for better treatment. Hence, the F.I.R.

5. The investigation in this case is still on. On the direction of this Court, learned counsel for the State has produced the medical evidence collected by the police. From the report it appears that the victim in the present case was admitted in the hospital on 01.01.2023 and he has been discharged from the hospital on 06.01.2023. The discharge summary reads as under:

> *Contract RMO in causality for abnormal symptoms or condition, or any other problems, Emergency Contact Number 0674-2431126, 09040096450."*

Therefore, it appears the victim is absolutely alright.

6. The petitioner and opposite party no.2 along with the victim have appeared before this Court in persons being identified by their respective counsel and have filed their self-attested xerox copies of Aadhar Cards to establish their identity, which are taken on record.

7. When the investigation of the case is going on, the parties have settled their dispute as they belongs to the same family. The opposite party no.2/informant

has filed an affidavit dated 05.12.2024, *inter alia*, stating as under:

> *"2. That the petitioner is an accused in this case for commission of offences under Section 307, 328 of I.P.C.*
>
> *3. That, in this case the deponent is that father and petitioner is his son. Due to familiar dispute I was forced to lodge the F.I.R. against my son.*
>
> *4. That, in the interference of the relatives and village gentries an amicable settlement was made between us. Therefore, the deponent do not like to proceed with the case anymore."*

8. Mr. Jena, learned counsel for the State submits that the investigation in this case is going on and from the part of the investigation, it appears that the petitioner had administered the poison to his brother, who is the victim in the present case. The victim has already been discharged from the Hospital. In the meantime, the parties have already settled their dispute. In order to maintain peace and tranquility in the family, the parties have arrived at a settlement and the opposite party and the victim do not want to proceed in the matter anymore. Therefore, this Court may give indulgence, as there is no legal impediment.

9. Regard being had aforementioned and the fact that the parties have already settled their dispute, I am inclined to allow this petition.

10. Moreover, subjecting the petitioner to the rigors of trial is destined to be a futile exercise as the opposite party no.2 along with the victim have already settled the dispute with the petitioner. Therefore, the case of the present petitioner 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.***

11. In view of the aforementioned submissions made at bar, Delanga P.S. Case No.7 of 2023 corresponding to G.R. Case No.11 of 2023 pending in the Court of learned J.M.F.C., Pipili and the consequential proceedings arising there from qua the petitioner are quashed.

12. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

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Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
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