

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2461 of 2022

Jagabandhu Parida & Another Petitioners
Mr. Bikash Kumar Routray, Advocate

-Versus-

State of Odisha & Another Opposite Parties
Mr. Rajesh Kumar Tripathy, ASC
Mr. Amiya Ranjan Sethy, Advocate and Mr. S.Pradhan, Advocate
for .P.No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
01.11.2022

Order No.

- 02.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.
 2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners assailing the criminal proceeding in G.R. Case No. 715 of 2021 corresponding to Jagatpur P.S. Case No. 118 of 2021 pending in the court of learned J.M.F.C.(R), Cuttack on the ground of compromise.
 3. Perused a copy of the F.I.R. which is at Annexure-1.
 4. Learned counsel for the petitioners submits that opposite party No.2 initially filed a complaint which was registered Jagatpur P.S. Case No. 118 of 2021, whereafter, the parties have settled the differences

and while claiming so, he refers to an affidavit sworn by opposite party No.2. It is contended that in view of the settlement reached at between the parties, the proceeding which is pending before the learned court below should be quashed in the interest of justice which is objected to by Mr. Tripathy, learned counsel for the State on the ground that one of the offence is punishable under Section 409 IPC and that some of the offences are non-compoundable in nature.

5. Opposite party No.2 is physically present in Court today and in support of her identity proof, she submitted her original Aadhar Card and on being asked, admitted about the fact of compromise between her and the petitioners. It is submitted that the parties are related as brothers and sisters and belong to one family and dispute arose when the petitioners sold property without the informant's knowledge. There is also a notary affidavit filed, a copy of which is at Annexure-2 and the same is perused.

6. In view of the compromise between the parties and having regard to the settled position of law as laid down by the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675** wherein inherent jurisdiction held to have been exercised under peculiar circumstances especially where the disputes are civil or matrimonial or of similar nature. The Court is of the view that since the parties have resolved and settled the differences and have agreed to close the case, the criminal proceeding which is pending before the court of learned JMFC(R), Cuttack should be quashed in the interest of justice and so also to ensure and restore peace and cordial relationship between the petitioners and opposite party No.2.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed.

9. Consequently, the criminal proceeding in G.R. Case No. 715 of 2021 corresponding to Jagatpur P.S. Case No. 118 of 2021 pending before the court of learned JMFC(R), Cuttack is hereby quashed.

10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

