
(2022) 10 OHC CK 0013
In the Orissa High Court
Case No : CRLMC No.487 Of 2022

Amrit Das

APPELLANT

Vs

State Of Orissa And Another

RESPONDENT

Date of Decision : 10-10-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 294, 506, 507

Citation : (2022) 10 OHC CK 0013

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : S.K.Baral, K.K.Das, P.Panda

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. The Petitioner by invoking the inherent jurisdiction of this Court under Section 482 of the Cr.P.C has prayed for quashing of the proceeding in G.R. Case No. 946 of 2021 arising out of Markatnagar P.S. Case No. 140 of 2021, pending in the court of the S.D.J.M, Sadar, Cuttack.

2. The facts of the case are that on the allegations of the Complainant – Opposite Party No.2, Markatnagar P.S. Case No. 140 dated 04.08.2021 has been registered for commission of offences under sections 294/506/507 of the I.P.C. against present Petitioner. The S.D.J.M, Sadar, Cuttack took cognizance for the aforesaid offences in G.R. Case No. 946 of 2021.

3. It is averred by the Petitioner that the case arose out of miscommunication and misunderstanding and that, the matter thereafter has been amicably settled between the parties. It has also been submitted that the Petitioner had no intention to abuse the Complainant and that he abused the Complainant out of sudden provocation.

4. In supporting this contention, present Opposite Party No.2 – Complainant has filed an affidavit on 24.02.2022 stating therein that, he does not hold any personal grudge against the Petitioner and that, the dispute arises out of confusion and misunderstanding. It has also been stated that they have amicably compromised and settled the matter between them and that, he does not want to continue with the criminal case anymore.

5. Learned counsel for the Opposite Party no.2 tendered his concession in the light of the affidavit sworn by O.P. No.2 and submitted that the parties have compromised their differences and they have no grievance against each other. It is further submitted that, as the Complainant is not interested to proceed with the case further in view of the compromise, there would be very remote and bleak chance of conviction against the Petitioner.

6. Having analyzed the averments and submissions made by both parties and considering the law settled on the score of quashing of proceeding on compromise, particularly the principles laid down by the Hon'ble Supreme Court in the case of Gold Quest International Private Limited vs. State of Tamil Nadu and others, reported in (2014) 15 SCC 235, I am of the humble view that further continuance of the criminal case in question would be an abuse of process of law. Accordingly, the proceeding in G.R. Case No. 946 of 2021 pending in the court of the S.D.J.M., Sadar, Cuttack, arising out of Markatnagar P.S. Case No. 140 of 2021 is quashed in the interest of justice.

7. The CRLMC is disposed of accordingly. No costs.

.....