
(2009) 11 OHC CK 0024
In the Orissa High Court

Biju @ Biraja Prasad Parida and Others	APPELLANT
Vs	
State of Orissa and Another	RESPONDENT

Date of Decision : 19-11-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 294, 323, 354, 379, 452

Citation : (2010) CLT 559 (Suppl CrI) : (2010) 1 OLR 225 : (2010) OLR 559
(Suppl CrI) : (2011) 6 RCR(Criminal) 1599

Hon'ble Judges : I. Mohanty, J

Bench : Single Bench

Final Decision : Allowed

Judgement

1. Mohanty, J.—Heard learned Counsel for the petitioners, Mr. A.K. Jena, learned Counsel for Opp. Party No. 2 and the learned State counsel for the State.

2. A prayer has been made in this application u/s 482 Cr.P.C. to quash the criminal proceeding initiated under Bari-Ramachandrapur P.S. Case No. 35 of 2008, corresponding to G.R. Case No. 422 of 2008, pending in the court of the learned S.D.J.M. Jajpur.

3. From the pleadings in the case, it appears that an F.I.R. was lodged on 8.7.2008 under Sections 452, 294, 354, 323, 506/34 I.P.C. and after completion of investigation, charge sheet was filed under sections 452, 294, 354, 323, 379, 506/34 I.P.C.

4. Learned Counsel for the petitioners states that all the offences apart from the offence u/s 294 I.P.C. are compoundable in nature and the informant who has entered appearance through Mr. Jena has filed an affidavit indicating that the matter has been amicably settled between themselves and although the written report was filed by her, she does not want to proceed with the case and seeks withdrawal of the G.R. Case registered against the petitioners.

5. Considering the nature of the allegations made in the F.I.R. and the averments

made in the affidavit sworn by the informant herself, in my considered opinion the chance of conviction in the case is bleak and the ends of justice would be best served if the criminal proceeding is quashed.

6. Accordingly, the CRLMC is allowed and the criminal proceeding in G.R. Case No. 422 of 2008, pending before the learned S.D.J.M., Jajpur is quashed.

7. Urgent certified copy of this order be granted on proper application.