

(2024) 02 OHC CK 0172
In the Orissa High Court
Case No : CRLMC No.97 Of 2023

Felu @ Ajaya Behera & Others

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision : 19-02-2024

Acts Referred:

Indian Penal Code, 1860 — Section 307

Citation : (2024) 02 OHC CK 0172

Hon'ble Judges : S.S. Mishra, J

Bench : Single Bench

Advocate : Manas Chand, P.K. Maharaj

Final Decision : Disposed Of

Judgement

S.S. Mishra, J

1. This matter was listed on 16.02.2024 and the following order was passed:

"1. Heard.

2. Mr. Chand, learned counsel for the petitioners submits that in the present case there are two injured persons. The opposite party no.3 is one of the injured person apart from one Sourabha Baliarsingh. Sourabha Baliarsingh has not been impleaded. He seeks leave of this Court to implead Sourabha Baliarsingh as opposite party no.4. He may do so in course of the day and counter signing the same.

3. The injured persons namely Sourabha Baliarsingh and Siba Prasad Samantaray and the informant have filed separate affidavits inter alia stating that they have settled their dispute with the petitioners on the intervention of local gentleman and well-wishers. In order to maintain good relationship and to maintain peace in the locality, they don't want to proceed with the matter. Therefore, they conjointly pray before this Court to quash the FIR against the petitioners.

4. The injured persons namely Sourabha Baliarsingh and Siba Prasad Samantaray and informant-Jayant Kumar Pahadasing are present in the Court and being identified by their respective counsels. They have also filed the self-attested copies of their Aadhaar Cards before this Court to establish their identity, which are taken on record.

5. Since the petitioners are not present in the Court, list this matter on 19.02.2024.”

2. On 16.02.2024, both the injured person and the informant were present in the Court and their presence have been dispensed with. The matter was adjourned for appearance of the petitioners/accused persons in the Court for today. In pursuance of the aforementioned order, barring the petitioner no.6, all other eight petitioners are present in the Court today. They have also filed their respective self-attested Aadhaar Cards to establish their identity, which are taken on record.

3. The informant and the injured persons have filed their respective affidavit dated 16.02.2024, inter alia, stating that they have settled their dispute out of the Court on the intervention of the well-wishers and village gentries. They do not want to proceed with the matter further. Hence, conjointly they have prayed for dropping of the criminal prosecution against the petitioners.

4. Mr. Maharaj, learned Additional Standing Counsel submits that though the charge sheet has been filed for allegedly having committed many offences including the offence under Section 307 IPC, however, the injury report indicates that the injuries are simple in nature. Therefore, there is no legal impediment in quashing of the F.I.R. on the ground that the parties have settled their dispute out of the Court. Otherwise also the survival of the prosecution against the petitioner is a futile exercise.

5. Taking into consideration the facts and submissions of the learned counsels at the Bar, the F.I.R. in Khurda Nirakarpur P.S. Case No.284 of 2022 pending in the Court of the learned NGN-cum-J.M.F.C., Tangi and the consequential proceeding arising therefrom are quashed.

6. This order is subject to the petitioners depositing the cost of Rs.1,000/- (Rupees one thousand) each before the Orissa High Court Advocates’ Welfare Fund.

7. The CRLMC is accordingly disposed of.

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