
(2014) 09 OHC CK 0008

In the Orissa High Court

Case No : CRLMC No. 3199 of 2011 and Misc. Case No. 2106 of 2011

Kunti Ghadai and Others

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 05-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 294, 323, 325, 34, 341

Citation : (2014) 2 OLR 890

Hon'ble Judges : S.C. Parija, J

Bench : Single Bench

Advocate : Suryakanta Dash and H.K. Moharana, Advocates for the Appellant

Judgement

S.C. Parija, J.—Heard learned counsel for the petitioners, learned counsel for the State and learned counsel appearing for the informant-Opposite party No. 2.

2. This application under Section 482 Cr.P.C. has been filed praying for quashing of the criminal proceeding initiated against the petitioners in G.R. Case No. 192 of 2008, arising out of Pattamundai P.S. Case No. 93 of 2008, pending in the Court of learned J.M.F.C., Pattamundai; under Section 447/341/323/294/354/436/506/34 IPC.

3. The prosecution case as detailed in the application is that on 25.4.2008, the informant-opposite party No. 2 lodged the written report before the O.I.C., Pattamundai Police Station, Kendrapara, which was registered as Pattamundai P.S. Case No. 93 of 2008, under Sections 447/341/323/325/294/354/436/506/34 IPC, alleging therein that on 25.4.2008, at about 1.30 P.M., there was a tussle between the petitioners' group and the informant's group with regard to taking of drinking water from the tube-well of the village. It was alleged that the petitioners being armed with "sticks and other arms attacked the informant's group, causing injuries to one Manoj and attempted to outrage the modesty of one Santilata. It was also alleged that two of the petitioners set fire to the thatched house of the informant's group.

4. After completion of the investigation, the police has submitted charge-Sheet against the petitioners under Sections 447/341/294/354/436/506/34 IPC, cognizance of which, has been taken by the learned J.M.F.C., Pattamundai vide order dated 24.12.2010.

5. It is the case of the petitioners that the impugned FIR had been lodged on false and fabricated allegations as there was a long standing civil dispute as well as political rivalry between the parties. It is further submitted that in the meantime, the parties have amicably resolved the dispute with the intervention of the local gentries and after the amicable settlement of the dispute, they are living in the village peacefully, having a cordial relationship and the informant does not want to proceed with the case any further.

6. It is accordingly submitted that in view of the settlement or the dispute amicably between the parties and as they are living in the village peacefully, having a cordial relationship and as the informant does not want to continue with the criminal proceeding against the petitioners any further, no useful purpose would be served by allowing continuance of criminal proceeding against the petitioners, especially when the chances of their ultimate convictions are bleak.

7. The informant-opposite party No. 2 in his affidavit has stated that due to sudden provocation, which arose out of a dispute regarding drawing of water from the tube-well of the village, the impugned F.I.R. had been lodged. It is stated that in the meantime, with the intervention of the well-wishers of both the family members and in order to secure peace and harmony in the village, the dispute between the parties has been amicably compromised/settled and now they are living in the village having a cordial relationship and maintaining peace in the locality. It is further stated in the said affidavit that the informant does not want to continue with the criminal proceeding against the petitioners any further.

8. Considering the submissions made and keeping in view the affidavit filed by the informant-opposite party No. 2 and also the fact that the matter has been amicably resolved/compromised between the parties, I find no useful purpose would be served by allowing continuance of the criminal proceeding against the petitioners, especially when the chances of their ultimate convictions are bleak.

9. Accordingly, the criminal proceeding initiated against the petitioners" in G.R. Case No. 192 of 2008, arising out of Pattamundai P.S. Case No. 93 of 2008, pending in the Court of learned J.M.F.C., Pattamundai, under Sections 447/341/323/294/354/436/506/34 IPC and all consequential criminal proceedings are hereby quashed.

10. CRLMC and Misc. Case are accordingly disposed of.

11. Issue urgent certified copy as per rules.