
(2020) 01 OHC CK 0011

In the Orissa High Court

Case No : Criminal Miscellaneous Petition No. No. 5741 Of 2014

P. Ramprakash Narayan

APPELLANT

Vs

State Of Orissa And Another

RESPONDENT

Date of Decision : 16-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 294, 323, 354, 426, 452, 506

Citation : (2020) 01 OHC CK 0011

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

Bench : Single Bench

Advocate : S.Panigrahi, B.K.Sahoo

Final Decision : Disposed Of

Judgement

B.P.Routray, J

1. The petitioner by invoking the inherent jurisdiction of this Court has prayed for quashing of the proceeding in G.R.Case No.31 of 2007 pending in the court of the S.D.J.M., Parlakehmundi.

2. The facts of the case goes to the effect that on the allegations of the informant - O.P.No.2, Serango P.S. Case No.3 dated 17.2.2007 has been registered for commission of offences under Sections 452/294/323/ 354/426/506 of the I.P.C. against the present petitioner. The S.D.J.M., Parlakhemundi took cognizance on 18.8.2007 for the aforesaid offences except the offence under Section 426 of the I.P.C. in G.R. Case No.31 of 2007. It has been averred by the petitioner that the case arose out of family dispute and the matter has been amicably settled between the parties. In supporting this contention, present O.P.No.2 - informant has filed an affidavit on 10.12.2014 stating that he and the petitioner have compromised and settled the matter long back and he does not want to continue with the criminal case anymore.

3. The 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 are living peacefully. The learned counsel for the petitioner has submitted that in view of the compromise as the informant is not interested to proceed with the case further, there would be very remote and bleak chance of conviction against the petitioner.

4. 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.31 of 2007 pending in the court of the S.D.J.M., Parlakhemundi is quashed in the interest of justice.

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