
(2004) 07 OHC CK 0022
In the Orissa High Court
Case No : CRLMC No. 1313 of 2004

Pini @ Nrupendra Kumar Sai and Another	APPELLANT
Vs	
State of Orissa	RESPONDENT

Date of Decision : 02-07-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 294, 323, 34, 341, 355
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3

Citation : (2004) 98 CLT 220 : (2005) 30 OCR 789

Hon'ble Judges : M.M. Das, J

Bench : Single Bench

Advocate : Bijay Ku. Ragada, Laxminarayan Patel and Satyajit Singh, for the Appellant; D.R. Mohapatra, A.G.A., for the Respondent

Judgement

M.M. Das, J.—This is an application filed u/s 482, Cr.P.C. jointly by the informant as well as the accused in respect of Brajarajnagar P.S. Case No. 88 of 2004 corresponding to G.R. Case No. 437 of 2004 pending in the file of S.D.J.M., Jharsuguda. The alleged offence is under Sections 341, 323, 355, 294, 506/34, IPC read with Section 3 of the S.C. and S.T. (P.A.) Act.

2. Heard learned counsel for the petitioner and the learned Addl. Standing Counsel.

3. Learned counsel for the petitioners relying upon a decision reported in (2004) 27 OCR 127, S.K. Khariar @ Sk. Khairai and Ors. v. Kanhu Bar, submits that since the matter has been compromised between both parties, the ratio of the said decision is squarely applicable to this case and the proceeding is necessary to be quashed.

4. From the said decision it transpires that a joint affidavit was filed in that case both by the complainant and the accused and this Court held that since the dispute has been settled between the parties and the complainant does not want

to prosecute the proceeding any further, no fruitful purpose would be served by allowing the case to remain pending. Applying the said principle, I quash the G.R. Case No. 437 of 2004 corresponding to Brajarajnagar P.S. Case No. 88 of 2004 pending in the file of S.D.J.M., Jharsuguda.

5. The CRLMC is disposed of.

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