

(2006) 02 OHC CK 0033
In the Orissa High Court
Case No : CRLMC 71 of 2006

Sandeep Sarkar and Others

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 03-02-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 294, 307, 34, 448, 506

Citation : (2006) 101 CLT 345 : (2006) 1 OLR 378

Hon'ble Judges : A.S. Naidu, J

Bench : Single Bench

Advocate : Bijaya Kumar Ragada, Laxmi Narayan Patel, Nilakanta Das and Satyajit Singh, for the Appellant; S. Pradhan, ASC, for the Respondent

Judgement

A.S. Naidu, J.—Heard learned Counsel for the petitioners and learned Counsel for the State.

2. Petitioner Nos. 1 and 2 are accused in C.T. Case No. 1920/2005 pending in the Court of learned S.D.J.M., Sambalpur. They are facing trial

for commission of offence u/s 307 read with Section 34 of the Indian Penal Code. The said case was registered on the basis of an F.I.R. lodged

by the petitioner No. 3.

3. Similarly, on the basis of an F.I.R. lodged by the mother of petitioner Nos. 1 and 2 C.T. Case No. 1921 of 2005 has been registered in the

Court of learned S.D.J.M., Sambalpur against petitioner Nos. 3 and 4 commission of offence under Sections 448, 294 and 506 of the Indian

Penal Code. Both the case and counter case are pending for adjudication before the same Court. It is submitted that in the mean time the parties

have compromised their disputes and as the offences alleged to have been

committed by petitioner Nos. 3 and 4 in C.T. Case No. 1921/2005 are compoundable, a petition is going to be filed by the parties before the Court below for compounding, Similarly as the parties have streamlined their disputes on the intervention of the gentlemen of the locality and they are now leading a peaceful life, petitioners 3 and 4 are no longer interested to prosecute C.T. Case No. 1920/2005 any further. According to Mr. Ragada as the offence alleged to have been committed is u/s 307 of the I.P.C. and the same is not compoundable, the present C.R.M.C. u/s 482 Cr.P.C. has been filed for quashing the proceeding.

4. I have heard learned Counsel for the parties at length. After going through the F.I.R. filed in both the cases and after hearing parties, I find that as the informant and the accused have settled their disputes out of the Court and the informant are no longer interested to prosecute the Case, no useful purpose would be served in prolonging the litigation any further. That apart as the informant has lost interest in the case there is every likelihood that the case shall end in acquittal.

6. In the aforesaid scenario, this Court feels that continuance of C.T. Case No. 1920 of 2005 pending in the Court of learned S.D.J.M., Sambalpur any further would amount to abuse of process of law. I accordingly direct that further proceeding of C.T. Case No. 1920 of 2005 shall be quashed.

7. The CRLMC is disposed of.

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