

Satyananda Parida Vs. State

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Court : Orissa

Decided On : Jan-10-2014

Appellant : Satyananda Parida

Respondent : State

Judgement :

CRLMC No.1929 of 2012 & Misc.

Case No.1352 of 2012 04.

10.01.2014 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for the informant-opposite party no.2.

This application under Section 482 Cr.P.C.has been filed challenging the criminal proceeding initiated against the petitioner in C.T.Case No.290 of 2012, pending in the court of learned S.D.J.M., Deogarh, arising out of Kundheigola P.S.Case No.48 of 2012, under Sections 427/294/336/506 I.P.C.The brief fact of the case is that the informantopposite party no.2 lodged a written report before the Kundheigola police station, Deogarh, alleging therein that on 05.07.2012, the petitioner damaged the fence of the house of the informant and when his father questioned, the petitioner chased him holding a tangia and threw stone on the petitioner, abusing him and his father in filthy language and criminally intimidated his father.

It is stated that due to civil dispute between the parties there are cases and counter cases and the father of the present petitioner has filed written report against the informant and his family members which has been registered as Kundheigola P.S. Case No. 52 of 2012, under Sections 341/447/294 /506/34 I.P.C. It is the case of the petitioner that as the F.I.R. and counter F.I.R. lodged by the parties were due to the civil dispute relating to boundary of their respective residential houses, on the intervention of the village gentries, the matter u/s 2 has been amicably settled/compromised between the parties and the petitioner and the informant-opposite party no. 2 are now residing together happily as neighbours without any further dispute.

It is submitted that in view of the settlement arrived at between the parties, the informant-opposite party no. 2 and the petitioner have sworn affidavits as per Annexure-3 series stating therein that they do not want to continue with the criminal proceeding against each other.

Accordingly, it is submitted that in view of the compromise entered into between the parties and as the informant-opposite party no. 2 does not want to continue with the criminal proceeding against the present petitioner, no useful purpose would be served by allowing continuance of the criminal proceeding against the present petitioner, especially when the chances of his ultimate conviction are bleak.

Learned counsel for the informant-opposite party no. 2 with reference to the affidavit under Annexure-3 series submits that the matter arose out of civil dispute relating to boundary of their respective residential houses.

It is further submitted in the said affidavit that with the help of relatives and villageRs. the dispute has been amicably resolved between the parties and he does not want to proceed with the case any further.

Considering the submissions made and keeping in view the affidavit of the informant as per Annexure-3 series and as the matter has been amicably settled between the parties, I find no useful purpose would be served by allowing continuance of the criminal proceeding against the u/s 3 petitioner, especially when the chances of his ultimate conviction are bleak.

Accordingly, the criminal proceeding initiated against the petitioner in C.T.Case No.290 of 2012, pending in the court of learned S.D.J.M., Deogarh, arising out of Kundheigola P.S.Case No.48 of 2012, under Sections 427/294/ 336/506 I.P.C.and all consequential criminal proceedings are hereby quashed.

CRLMC is accordingly disposed of.

Interim order dated 08.08.2012, passed in Misc.

Case No.1352 of 2012 stands vacated.

Issue urgent certified copy as per rules.

. S.C.Parija, J.

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