

Ananta Behera Vs. State

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Court : Orissa

Decided On : Mar-26-2014

Appellant : Ananta Behera

Respondent : State

Judgement :

CRLMC No.1245 of 2014 02.

26.03.2014 Sr.G.B.Singh & associates, enters appearance for the informant and files Vakalatnama along with an affidavit in Court today, which be kept on record.

Heard learned counsel for the petitioneRs.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 praying for quashing of the criminal proceeding initiated against the petitioners in G.R.Case No.209 of 2014, arising out of Abhayachandpur P.S.Case No.40(8) of 2014, pending in the court of learned J.M.F.C.(P).Kujanga, under Sections 341/354-B/379/ 506/34 I.P.C.The prosecution case in brief is that the informantopposite party no.2 lodged a written report before the I.I.C., Jagatsinghpur, Abhayachandpur Police Station, which was registered as Abhayachandpur P.S.Case No.40(8) of 2014, alleging therein that on 08.03.2014 at about 5.00 P.M., while the informant was returning from the village of Nolia Sahi alone, the accused-petitioners asked her to come near and when she asked as to why she is being asked, both the accused persons

forcibly took her inside the forest with an ill-intention to outrage her modesty and they subsequently snatched away cash of Rs.10,000/-.

She tried to escape from their clutch but could No.be able to save herself.

Finding no way out, she threw sand on their face and fled away from the spot.

It is stated that the she was threatened by the accused persons with dire consequences, if she disclosed about the incident before anybody.

It is the case of the petitioners that the impugned F.I.R.had been lodged on false and fabricated allegations due to business rivalry.

Both the parties are of a same village.

Only to harass the uks 2 petitioners and to defame in the society, this false case has been foisted against them.

It is further stated that the dispute between the parties has been amicably resolved/settled with the intervention of local Sarpanch and village gentries of both the sides and the informant does No.want to pursue the case against the petitioners any further.

It is accordingly submitted that in view of the compromise entered into between the parties and as the informant does No.want to proceed with the case any further, no useful purpose would be served by allowing continuance of criminal proceeding against the present petitioneRs.especially when the chances of their ultimate convictions are bleak.

Learned counsel for the informant-opposite party no.2, with reference to the affidavit submits that both the parties have settled the dispute amicably with the intervention of local gentries and the village Sarpanch It is further stated that in view of the compromise entered into between the parties, the informant does No.want to continue with the criminal proceeding against the petitioners any further and has no objection if the criminal proceeding initiated against the petitioner is quashed.

Considering the submissions made and keeping in view the affidavit of the informant and the fact that the matter has been amicably settled between the parties and the informant does not want to continue with the criminal proceeding against the petitioners any further, I find no useful purpose would be served by allowing continuance of criminal proceeding against the present petitioners especially when the chances of his ultimate conviction are bleak.

Accordingly, the criminal proceeding initiated against the present petitioners in G.R. Case No. 209 of 2014, arising out of Abhayachandpur P.S. Case No. 40(8) of 2014, pending in the court of learned J.M.F.C.(P). Kujanga, under Sections 341/354-B/379/ 506/34 I.P.C. and all consequential proceedings are hereby quashed.

CRLMC is accordingly disposed of.

Issue urgent certified copy as per rules.

.. S.C. Parija, J.

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