

Surendra Rout Vs. State

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Court : Orissa

Decided On : Mar-29-2014

Appellant : Surendra Rout

Respondent : State

Judgement :

CRLMC No.3484 of 2009 06.

29.3.2014 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 by the accused-petitioners praying for quashing of the criminal proceeding initiated against the petitioners in S.T.Case No.346 of 2005, corresponding to G.R.Case No.535 of 2004, arising out of Mahanga P.S.Case No.165 of 2004, pending in the Court of learned Ad hoc, Addl., Sessions Judge, Fast Track Court-I, Cuttack, under Sections 341/323/324/307/294/506/ 34 I.P.C.The brief facts of the case is that the informantopposite party no.2 lodged a written report before the O.I.C., Mahanga Police Station on 10.9.2004, which was registered as Mahanga P.S.Case No.165 of 2004, under Sections 341/323/ 324/307/294/506/34 I.P.C., alleging therein that the present petitioners were always throwing garbage to his cowshed and when he objected to such act of the petitioners.the informant and his family members were assaulted by them, as a result of which the informant and his wife sustained injuries and treated medically.

It is the case of the petitioners that after completion of the investigation, the police submitted charge-sheet against the present petitioners under Sections 341/323/324/307/294/ 506/34 I.P.C.and the learned Magistrate took cognizance of the said offences.

The case of the accused-petitioners is that the allegations made against the present petitioners in the F.I.R.are mp 2 false and baseless, inasmuch as, a counterblast to the F.I.R.lodged by the petitioners against the informant registered as Mahanga P.S.Case No.164 of 2004, the informant had lodged the F.I.R against the present petitioneRs.It is the case of the petitioners that the petitioners and the informant are neighbours and having a blood relationship and during couRs.of trial, with the intervention of their well-wisheRs.the matter, which arises out of a civil dispute, has already been compromised between them.

It is the further case of the petitioners that after compromise between the parties, they are living peacefully in the village without any dispute/differences and both the parties do No.want to proceed with the case against each other.

It is accordingly submitted that in view of the fact that the matter has been compromised between the parties and the informant does No.want to continue with the criminal proceeding against the present petitioners 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.

The informant-opposite party no.2 has filed an affidavit stating therein that after lodging of the F.I.R., with the intervention of his family members and the village gentries, the dispute has been amicably settled / compromised and the parties are residing peacefully, without any further dispute or disturbance.

It is further stated that as the petitioners are his nephew and blood relatives and in view of the settlement of the dispute between the parties, the informant does No.want to continue with the criminal proceeding against the present petitioners any further.

mp 3 Considering the submissions made and keeping in view the affidavit filed by the informant-opposite party no.2 and also the fact that the matter has been amicably settled /compromised between the parties, I find no useful purpose would be served by allowing continuance of the criminal proceeding against the petitioners.especially when the chances of their ultimate convictions are bleak.

Accordingly, the criminal proceeding initiated against the petitioners in S.T.Case No.346 of 2005, corresponding to G.R.Case No.535 of 2004, arising out of Mahanga P.S.Case No.165 of 2004, pending in the Court of learned Ad hoc, Addl., Sessions Judge, Fast Track Court-I, Cuttack, under Sections 341/323/324/307/294/506/34 I.P.C.and all consequential criminal proceedings are hereby quashed.

CRLMC is accordingly disposed of.

Issue urgent certified copy as per rules.

. S.C.Parija, J.

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