



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 128 of 2025

*Swadesa @ Sadesh @ Sudesh Khara @  
Swadeswar Khora*

..... *Petitioner(s)*  
*Mr. Susanta Kumar Baral, Adv.*

-Versus-

*State of Odisha & Anr.*

..... *Opposite Party(s)*  
*Ms. Gayatri Patra, ASC*  
*Mr. Dibya Jyoti Sahoo, Adv.*

**CORAM:**

**DR. JUSTICE SANJEEB K PANIGRAHI**

**ORDER**

**30.03.2026**

**Order No.**

13.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioner has filed this CRLMC with a prayer to quash the cognizance order dated 04.06.2024 passed by the learned J.M.F.C., Laxmipur in G.R. Case No.264 of 2023 as well as the criminal proceeding initiated against him.
4. Learned counsel for the respective parties submit that, in the interregnum, the dispute between the parties has been amicably settled. In support thereof, a joint affidavit dated 17.03.2026 has been filed.



5. The relevant portion of the joint affidavit filed by both the parties is extracted hereunder:

“xxx

xxx

xxx

*“3. That though Opposite Party No.2 have lodged the F.I.R. on anger and alleging against the petitioner and others for committing the above offences, now that has been settled between us amicably in the interference of out well wishers keeping in mind to our future relation, as our marriage have already been solemnized as per Hindu rites and custom and we are residing happily together as husband and our marriage also registered under U/s-15 of Hindu Marriage Act, 1955 before Sub-Registrar, Koraput on 20.11.2025, So I (Opp. Party No.2) don't want to proceed against the present petitioner in this case.  
4. That keeping in mind of our future relation as well as to live with good relation, Opp. Party No.2 has no objection if this application of the petitioner be allowed. Therefore we pray for quashing this criminal proceeding.”*

6. This Court has considered the joint affidavit filed by both parties and is conscious of the settled legal position that the inherent jurisdiction of the High Court under Section 482 Cr.P.C. is distinct from the power of compounding under Section 320 Cr.P.C., and may be invoked to secure the ends of justice or to prevent abuse of the process of Court. At the same time, such power is not to be exercised mechanically merely because the parties have arrived at a settlement; the Court is required to examine the nature and gravity of the allegations, the real genesis of the dispute, the stage of the proceeding, and whether, in view of the stand now taken by the victim, the possibility of conviction has become remote and continuation of the prosecution would amount to futility or oppression.



7. In the present case, Opposite Party No.2 has joined the Petitioner in filing a sworn affidavit and has categorically stated that she does not wish to proceed further with the criminal case and that the Petitioner is not involved in the alleged occurrence. Thus, the Court is not proceeding on the basis of a bare compromise alone, but on the subsequent stand of the complainant herself, which substantially erodes the factual substratum of the prosecution. Having regard to the materials on record, the stage of the case, and the unequivocal position taken by the complainant, this Court is satisfied that the possibility of a successful conviction is remote and bleak, and that continuation of the impugned proceeding would serve no useful purpose but would instead amount to abuse of the process of law.
8. In light of the aforesaid, and applying the same to the facts of the present case, this Court is of the considered view that the continuance of the impugned criminal proceeding would amount to an abuse of the process of Court and would not subserve the ends of justice.
9. In fact, in the case of *Shiji @ Pappu v. Radhika*<sup>1</sup> the Supreme Court has held that even where an offence is non-compoundable, quashing may still be justified if there is no realistic chance of

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<sup>1</sup> AIR 2012 SUPREME COURT 499



conviction and continuance is an empty formality. The Court held as follows:

*“It is manifest that simply because an offence is not compoundable under Section 320 IPC is by itself no reason for the High Court to refuse exercise of its power under Section 482 Cr.P.C. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial Court or in appeal on one hand and the exercise of power by the High Court to quash the prosecution under Section 482 Cr.P.C. on the other.”*

10. Similar view was taken by the Supreme Court in the case **Manoj Sharma v. State**<sup>2</sup> wherein the Court held as follows:

*“It is manifest that simply because an offence is not compoundable under Section 320 IPC is by itself no reason for the High Court to refuse exercise of its power under Section 482 Cr.P.C. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial Court or in appeal on one hand and the exercise of power by the High Court to quash the prosecution under Section 482 Cr.P.C. on the other.”*

11. Tested against the aforesaid principles and the facts of the present case, this Court finds that allowing the prosecution to continue

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<sup>2</sup> (2008) 16 SCC 1



would be futile and would amount to an abuse of the process of law.

12. In view of the foregoing discussion, the application is allowed.

Accordingly, the cognizance order dated 04.06.2024 passed by the learned J.M.F.C., Laxmipur in G.R. Case No.264 of 2023 is hereby quashed. Consequently, the entire criminal proceeding arising therefrom, i.e., Laxmipur P.S. Case No.72 of 2023, corresponding to G.R. Case No.264 of 2023 pending before the learned J.M.F.C., Laxmipur, also stands quashed. However, this Court deems it appropriate to impose cost of Rs.25,000/- (Rupees fifteen thousand) each on the Petitioner and the Opposite Party No.2 for wasting the valuable time of the Police Department. The said cost shall be deposited with the Odisha Police Relief and Welfare Fund for the purpose of utilizing the said amount for healthcare and medical treatment of police personnel including for injuries sustained during operation within a period of one month from today.

13. Accordingly, the CRLMC is disposed of.

*( Dr. Sanjeeb K Panigrahi )*  
*Judge*