



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.808 of 2025
CNR No. ODHHC010127542025

Simbul Raj Nayak

.....

Petitioner

Represented by Adv. –
Mr. Bibhu Prasad
Chhualsingh

-versus-

State of Odisha and others

.....

Opposite Party

Represented by Adv. –

Mr. C.M. Singh, ASC
for O.P. No.1

Mr. Karunakar Gaya,
Advocate for O.P. No.2

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

24.08.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Mr. Karunkar Gaya, learned counsel, and his associates enter appearance on behalf of the Opposite Party No.2 by filing a Vakalatnama in Court today. The same be kept on record.
 3. Heard the learned counsel for the Petitioner as well as the learned counsel appearing for the Opposite Party No.2-Informant and learned counsel for the State-Opposite Party No.1.
 4. No one appears on behalf of the Opposite Party No.3 despite valid service of notice.



5. The Accused-Petitioner in G.R. Case No.44 of 2011, arising out of Adava P.S. Case No.18 of 2011, pending in the court of learned J.M.F.C., Mohana, has approached this Court with a prayer for quashing of the entire criminal proceeding initiated against him.

6. It is stated by the learned counsel for the Petitioner that the principal accused, who happens to be the son of the Petitioner, had earlier approached this Court by filing CRLMC No.1842 of 2016. A coordinate Bench of this Court, vide order dated 19.04.2018, has been pleased to quash the entire criminal proceeding against the son of the present Petitioner on the ground that the matter has been amicably settled and that both the son of the present Petitioner and the Opposite Party No.3 are staying together as husband and wife and leading a peaceful marital life having been blessed with three children. He further submitted that the Opposite Party No.2-Informant, who happens to be the father of the Opposite Party No.3, has no objection in the event the entire criminal proceeding against the present Petitioner is quashed.

7. Learned counsel for the Opposite Party No.2-Informant, on the other hand, supported the submission made by the learned counsel for the Petitioner and contended before this Court that he will have no objection in the event the entire criminal proceeding is quashed against the present Petitioner. He also referred to the joint affidavit filed by the parties in Court today. The same is taken on record.

8. On perusal of the joint affidavit, it appears that the parties have amicably settled the matter and that the main accused, namely, one Pimpleraj Nayak and the Opposite Party No.3-Victim are married and



leading a happy conjugal life as husband and wife.

9. Learned counsel for the State, on the other hand, submitted that although he has no specific instruction in the matter, on perusal of the record it appears that the proceeding against the main accused has already been quashed in CRLMC No.1842 of 2016. He further contended that in the joint affidavit, the parties have admitted that they are staying together and, that the Informant does not have any objection in the event the present criminal proceeding is quashed. In such view of the matter, learned counsel for the State contended that in the event this Court passes any order in the larger interest of justice, he will have no objection to the same.

10. Considering the submission made by the learned counsel for the respective parties, on a careful examination of the background facts and further taking note of the joint affidavit filed in Court today, this Court found that the Petitioner, who happens to be the father of the principal accused, who was involved in a case registered against him under Sections 363/376 of I.P.C. has already been quashed in CRLMC No.1842 of 2016 vide order dated 19.04.2018. The Petitioner, who happens to be the father of the principle accused, is facing the criminal proceeding in the pending criminal trial. In view of the submission made by the learned counsel for the parties and keeping in view the subsequent development, this Court is of the view that the further continuance of the criminal proceeding against the present Petitioner would be an abuse of process of law. This Court is also of the view that the present case falls within the rarest of rare cases where this Court can exercise its inherent power to bring an end to the criminal



trial.

11. Accordingly, the Criminal Miscellaneous Case is allowed and the entire criminal proceeding launched against the Petitioner vide G.R. Case No.44 of 2011, which arises out of Adava P.S. Case No.18 of 2011, pending in the court of learned J.M.F.C., Mohana, is hereby quashed. The learned J.M.F.C., Mohana or the court in seisin over the matter shall, on receipt of this order/production of the certified copy of this order, close the proceeding in the aforesaid case in compliance of this order.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 27-Aug-2026 17:34:14

