



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.911 of 2025

***Garkin@gorkin Suribabu and
others***

.....

Petitioners

Represented By Adv. -
Ashok Kumar Parida

-versus-

State Of Odisha and another

.....

Opposite Parties

Represented By Adv. -
Deepak Kumar Das
L.ray

CRLMC No.1041 of 2025

B.Ludiya and others

.....

Petitioners

Represented By Adv. -
Ashok Kumar Parida

-versus-

State Of Odisha and another

.....

Opposite Parties

Represented By Adv. -
Deepak Kumar Das
L.ray

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

10.07.2025

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the petitioners as well as learned counsel for the victim-informant-Opposite Party No.2 and learned counsel for the State. Perused the writ application as well as



documents annexed thereto.

3. The present application has been filed under Section 528 of the B.N.S.S. thereby invoking inherent power of this Court to quash the criminal proceeding in G.R. Case No.555 of 2024 arising out of Konark P.S. Case No.191 of 2024 pending before the learned J.M.F.C., Konark.

4. Learned counsel for the petitioners at the outset contended that the petitioner and the victim-Opposite Party No.2 belong to the same locality and that due to a misunderstanding the case and a counter case has been registered by either side against the others. He further submitted that the present case arises out of Konark P.S. Case No.191 of 2024 registered at the instance of Opposite Party No.2. Similarly, P.S.Case No.192 of 2024 of Konark P.S. has been registered at the instance of the present petitioners against the Opposite Party No.2. Since the matter has been amicably settled between the parties both sides have come up for quashing of the respective F.I.R.s in Konark P.S. Case No.191 of 2024 and 192 of 2024.

5. Learned counsel for the informant-Opposite Party No.2 who is also learned counsel for the petitioners in CRLMC No.1041 of 2025 which arises out of Konark P.S. No.191 of 2024 supported the contention of learned counsel for the petitioners. He further contended that the matter has been amicably settled and that the parties are residing in the locality peacefully. Both learned counsel for the petitioners as well as learned counsel for the informant contended that the continuation of the present proceeding will be abuse of process of law and that the same would not be in the larger interest of justice. On such grounds, learned counsel appearing from both sides submitted that both the F.I.R.s which have been assailed in CRLMC No.911 of 2025 as well as in CRLMC No.1041 of 2025



be quashed.

6. On perusal of the F.I.R. Konark P.S. Case No.191 of 2024 calculates that the same has been registered for commission of offences punishable under Section 126(2), 296, 152, 172, 351(2), 3(5) of the B.N.S. Out of the aforesaid offences only the offence under Section 506 is non-compoundable. Similarly, in Konark P.S. case No.192 of 2024 the alleged offences are under Section 126(2), 296, 115(2), 117(2), 351(2), 3(5) of the B.N.S. Learned counsel for the petitioners in CRLMC No.1041 of 2025 further contended that Konark P.S. Case No.192 of 2024 has been lodged for commission of additional offence under Section 109 of the B.N.S. He further submitted that injury sustained by the injured is simple in nature. Therefore, no Section 109 is made out. Both Counsels appearing for the petitioners in the respective CRLMC application contended that since the matter has been amicably settled between the parties and the informants in the respective F.I.R. do not want to proceed further and further they want to live peacefully in the locality. The proceedings arising out such a fact be quashed in the larger interest of justice.

7. Learned counsel for the State on the other hand contended that most of the offences are compoundable in nature. She further submitted in the event the matter amicably settled, the parties should have approached the learned trial court by filing an application for compounding the offences. In such view of the matter, learned counsel for the State contended that the application preferred by the petitioners in both the CRLMC applications are not maintainable and accordingly the same should be dismissed.

8. Having regard to the submissions made by the learned counsels appearing for the parties, on a careful analysis of the background facts, further keeping in view the fact that the informant



in both cases express their intention not to pursue the litigation and they want to live peacefully, this Court is of the view that the parties should have approached the trial court at their instance by filing the application of compounding of the offences. On a close scrutiny of the F.I.Rs. in both the cases it appears that in Konark P.S. Case No.191 of 2024 the offence under Section 506 is not compoundable. Similarly, Konark P.S. Case No.192 of 2024 the offence under Section 109 is non-compoundable in nature.

9. Taking into consideration the fact that the matter is amicably settled and the informant-injured are not interested to pursue the matter, this Court is inclined to quash the offence under Section 506 in Konark P.S. Case No.191 of 2024 and the offence under Section 109 of B.N.S. in F.I.R. No.192 of 2024 of the very same police station. So far other offences are concerned, this Court deems it proper to dispose of the present application by granting liberty to the petitioners to approach the learned trial court by filing an application for compounding the offences within four weeks from today. In such eventuality, the learned trial court shall do well to take up such application and pass necessary orders in accordance with law, keeping in view the fact that the matter has been settled and the informant in respective cases are no more interested to pursue the litigation against the accused petitioners.

10. With the aforesaid observations and directions, the CRLMC stands disposed of.

(Aditya Kumar Mohapatra)
Judge