



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.816 of 2026

*Sekharshree Mahajan &
Anr.*

....

Petitioner(s)

Mr. Arijeet Mishra, Adv.

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

Mr. Sonak Mishra, ASC

Mr. D.K. Naik, Adv. (for O.P. No.2)

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

02.

31.03.2026

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. By filing the present CRLMC, the Petitioners have prayed for quashing the entire criminal proceedings initiated against them vide Cuttack Sadar P.S. Case No.624 of 2024 corresponding to G.R. Case No.1412 of 2024, pending before the learned J.M.F.C.(R), Cuttack.
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 16.03.2026 has been filed on record.
5. The relevant portion of the joint affidavit filed by both the parties is extracted hereunder:



“xxx

xxx

xxx

3. That, the petitioners and the informant (Opp. party no.-2) are the family members. The petitioner no-1 and the co-petitioner are the husband and mother-in-law of the informant.

4. That as in the meantime due to intervention of the village gentries, well wishers & in presence of the parties & family members the matter has already been compromised and settled amicably between us.

5. That the deponent no- 3 (opp.party no-2) say that she has no grievance against the deponent no-1 and 2 (i.e petitioners) in any manner and the deponent no- 3 (opp.party no-2) does not want to proceed further in this case against the petitioners further.

6. That in view of such settlement at present we are leading a happy and peaceful life without any dispute/ difference between us.

7. That in view of amicable settlement & being present in court premises today we are swearing this affidavit without fear, pressure& coercion and not being influenced by any person (s)/comer and this affidavit shall be produced before the competent court of law for the interest of justice and welfare of the parties.”

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 No.1 & Petitioner No.2 in filing a sworn affidavit and has categorically stated that Opposite Party No.2 does not wish to proceed further with the criminal case against the Petitioners. 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*¹ 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 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*² 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

¹ AIR 2012 SUPREME COURT 499

² (2008) 16 SCC 1



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 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 F.I.R. in Cuttack Sadar P.S. Case No.624 of 2024 is hereby quashed. Consequently, the entire criminal proceedings arising therefrom, i.e., G.R. Case No.1412 of 2024 pending before the learned J.M.F.C.(R), Cuttack, also stands quashed.
13. This CRLMC is, accordingly, disposed of.
14. Issue urgent certified copy of this order as per Rules.
15. A copy of this order be communicated to the learned trial Court for information.

(Dr. Sanjeeb K Panigrahi)
Judge