



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 891 of 2026

*Prasanta Kumar Nayak @ Jacky Nayak
& Ors.*

..... *Petitioner(s)*
Mr. Brundaban Rout, Adv.

-Versus-

State of Odisha & Anr.

..... *Opposite Party(s)*
Mr. Sonak Mishra, ASC
Mr. Akhand, Adv.
(for O.P.2)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

17.04.2026

Order No.

02.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioners have filed this CRLMC with a prayer to quash the entire criminal proceeding initiated against them in Pattamundai P.S. Case No.73 of 2026, corresponding to G.R. Case No.178 of 2026, pending before the learned J.M.F.C., Pattamundai.
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 25.03.2026 has been filed by both the parties.



5. The relevant portion of the said affidavit filed by the Informant is extracted hereunder:

“xxx

xxx

xxx

“4. That, we are known to each other and friendship relationship but unfortunately lodged case and counter cases against us due to misunderstanding and a petty quarrel, for which we have already settled our dispute amicably among us on 2.3.2023 and executed a Notary Amicable settlement affidavit in presence of local gentries and well wishers and also preferred two CRLMC before this Hon’ble Court to quash the criminal proceeding pending us arising out of case and counter case vide Pattamundai P.S. Case No.72 of 2026 and Pattamundai P.S. Case No.73 of 2026.

5. That, we are now staying with cordial relationship and also continue our earlier friendships by settling our dispute amicably, for which we did not have proceed the criminal proceeding mentioned above against us and swearing this joint affidavit before this Hon’ble Court with prayer to quash the proceeding arising out of Pattamundai P.S.case No.72 of 2026 and Pattamundai P.S.Case No.73 of 2026.”

”

6. This Court has considered the joint affidavit filed by both the 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, the Opposite Party No.2 has joined the Petitioners in filing a sworn affidavit and has categorically stated that he does not wish to proceed further with the criminal case and that the Petitioners are 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 himself, 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,

¹ AIR 2012 SUPREME COURT 499



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. State² 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.”

² (2008) 16 SCC 1



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 entire criminal proceeding in Pattamundai P.S. Case No.73 of 2026, corresponding to G.R. Case No.178 of 2026 pending before the learned J.M.F.C., Pattamundai, stands quashed.

13. Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge