



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.956 of 2026

Milan Mishra

....

Petitioner(s)

Mr. Srinivas Mohanty, Adv.

Ms. Eleena Dash, Adv.

-versus-

*Director of Factories &
Boilers, Cuttack Division,
Cuttack & Anr.*

....

Opposite Party(s)

Ms. Gayatri Patra, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

25.03.2026

1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed the present CRLMC under Section 528 of the B.N.S.S. seeking quashing of, or appropriate directions in relation to C.C. No.09 of 2013/ 2 C.C. No.02 of 2013, pending before the learned J.M.F.C. (UTP), Cuttack, arising out of an alleged offence under Section 92 of the Factories Act, 1948.

Apart from the above, the Petitioner has also prayed for resolution of the matter through ADR or Lok Adalat, considering that the nature of the offence is technical and compoundable.

3. Heard learned counsel for the respective parties.



4. Learned counsel for the Petitioner submits that an inspection of the Petitioner's factory was conducted on 21.11.2012, pursuant to which certain procedural compliances were suggested under the Factories Act.

5. Learned counsel for the Petitioner further contends that despite follow-up communications, certain statutory formalities could not be completed within time due to administrative delay and staff lapses during the company's initial set up phase.

6. Learned counsel for the Petitioner further contends that consequently, the Opposite Party lodged a written complaint dated 28.12.2012, giving rise to the present prosecution under Section 92 of the Factories Act.

7. Learned counsel for the Petitioner further contends that the alleged non-compliance was purely technical and unintentional, without any injury, accident or substantive breach of safety standards. The procedural lapses have long since been rectified.

8. Learned counsel for the Petitioner further contends that under Section 92 of the Factories Act is regulatory in nature, non-cognizance and bailable. It does not involve any moral turpitude or deliberate misconduct. Such cases have been recognized by the Courts as it for compounding or amicable closure in the interest of justice.



9. Learned counsel for the Petitioner further contends that the Petitioner has already expressed willingness before the learned trial Court to resolve the matter through ADR/Lok Adalat, but no action has yet been taken due to procedural delays.

10. Learned counsel for the Petitioner further contends that the factory assets have since been sold to another management and the Petitioner no longer has any control or benefit from it. Continuing the prosecution, therefore, serves no useful legal or practical purpose.

11. Learned counsel for the Petitioner further contends that the prolonged pendency of this case, despite its minor nature and the Petitioner's willingness for amicable settlement, causes undue hardship and violates the Petitioner's right to a speedy trial guaranteed under Article 21 of the Constitution of India.

12. Learned counsel for the State opposes the prayer of the Petitioner.

13. Section 92 of Factories Act, 1948 reads as under:

"92.General penalty for offences.-

Save as is otherwise expressly provided in this Act and subject to the provisions of section 93 , if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager of the factory shall each be



guilty of an offence and punishable with imprisonment for a term which may extend to [two years] or with fine which may extend to [one lakh rupees] or with both, and if the contravention is continued after conviction, with a further fine which may extend to [one thousand rupees] for each day on which the contravention is so continued:

[Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than [twenty-five thousand rupees] in the case of an accident causing death, and [five thousand rupees] in the case of an accident causing serious bodily injury.

Explanation.-In this section and in section 94 "serious bodily injury" means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include, the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot."

14. After hearing learned counsel for the respective parties and on perusal of the available materials on record, this Court is of the considered opinion that the offence in question is compoundable in nature. Accordingly, the Petitioner is directed to approach the competent authority for compounding of the offence by depositing the prescribed fine.



15. The concerned authority shall consider and dispose of the application for compounding in accordance with law within a period of fifteen (15) days from the date of such application. The proceedings in the pending case shall thereafter be disposed of expeditiously.

16. With these observations and directions, the CRLMC stands disposed of.

17. It is further directed that, till a decision is taken by the competent authority on the application for compounding, no coercive action shall be taken against the Petitioner.

18. Pending application (s), if any, shall stand disposed of.

19. Issue urgent certified copy of this order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge