



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1225 of 2026

Kalpataru Das

.....

Petitioner (s)

*Mr. Anup Kumar Pattnaik,
Advocate*

-versus-

State of Orissa & Anr.

.....

Opposite Party (s)

*Mr. Sonak Mishra, ASC
Mr. Srinibash Satapathy,
Advocate*

CORAM:
THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

07.05.2026

09.

1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed this CRLMC with a prayer to quash the FIR and the entire criminal proceeding in connection with Infocity P.S Case No.315 of 2025, corresponding to C.T. Case No.1058 of 2025, pending in the court of the learned J.M.F.C.(II), Bhubaneswar.
3. 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 05.05.2026 has been filed by the parties.

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4. The relevant portion of the joint affidavit filed by both the parties is extracted hereunder:

1. *That I have been arrayed as Opp. Party No.2 in the present case and therefore I am authorized to swear this present affidavit.*

2. *That, in due course of time the petitioner and opp. party no. 2 have mutually decided to settle the matter amicably and without resorting to any further litigation in pursuant to the mediation report dated 27.09.2025 passed in mediation report in 288 of 2025 (arising out of ABLAPL No. 8252 of 2025).*

3. *That in furtherance of the above mentioned understanding and amicable settlement, both the petitioner and the opp. party no.2 have executed a compromised deed dated 01.05.2026.*

4. *That pursuant to the mediation report dated 27.09.2025 passed in mediation report in 288 of 2025 (arising out of ABLAPL No. 8252 of 2025) and the above mentioned compromised deed dated 01.05.2026, the present petitioner has furnished a demand draft of Rs.15,00,000/- lakh (Rupees Fifteen Lakh Only) vide Axis Bank demand draft No. 852 dated 22.04.2026, towards the second installment and final payment in accordance with the terms and conditions finalised in the mediation report in 288 of 2025 (arising out of ABLAPL No.8252 of 2025) and the above*

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mentioned compromised deed dated 01.05.2026.

I have received the above mentioned Axis Bank demand draft No. 852 dated 22.04.2026 of an amount rs 15,00,000/- lakh (Rupees Fifteen Lakh Only) on 05.05.2026 and I have no further claim against the present petitioner as he has satisfied all the financial abilities as said fourth in the mediation report in 288 of 2025 (arising out of ABLAPL No. 8252 of 2025) and the above mentioned compromised deed dated 01.05.2026.

5. That by virtue of the above-mentioned compromise deed dated 01.05.2026 both the petitioner and opp. party no.2 have mutually agreed that pursuant to the execution of compromise deed dated 01.05.2026, they will co-operate with each other to quash the F.I.R. vide PS. case no. 315/2025 dtd. 08.07.2025 u/s 318(4)/ 316(2) /296/ 351(2)/ of Bharatya Nyaya Sanhita, 2023 corresponding to C.T. Case No. 1058/2025 pending before J.M.F.C.(II), Bhubaneswar.

6. That pursuant to the execution of compromise deed dated 01.05.2026, both the petitioner and opp. Party no.2 have further mutually agreed that they will not initiate any further criminal proceedings against each other with respect to subject matter and the cause of action involved in complaint case vide 1CC Case no. 2159 of 2025 and F.I.R. vide P.S. Case no.315/2025

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corresponding to C.T. Case No. 1058/2025 pending before J.M.FC.(II), Bhubaneswar.

7. *That pursuant to the execution of compromise deed dated 01.05.2026, both the petitioner and opp. Party no.2 have further mutually agreed that they will not initiate any further criminal proceedings against each other with respect to subject matter and the cause of action involved in complaint case vide 1CC Case no. 2159 of 2025 and F.I.R. vide P.S. Case no.315/2025 corresponding to C.T. Case No. 1058/2025 pending before J.M.F.C.(II), Bhubaneswar.*

8. *That in light of the mutual agreement to settle the dispute amicably and consequent compromise deed dated 01.05.2026, it is humbly prayed that the F.I.R. vide P.S. case no. 315/2025 dtd. 08.07.2025 u/s 318(4)/ 316(2) /296/ 351(2)/ of Bharatya Nyaya Sanhita, 2023 corresponding to C.T. Case No. 1058/2025 pending before J.M.F.C.(II), Bhubaneswar be quashed and set aside along with the corresponding criminal proceedings in furtherance of justice, equity and good conscience.*

9. *That the deponent reserves the right to file further affidavit, as and when directed by this Hon'ble Court.*

10. *That the facts stated above are true to the best of my knowledge and belief."*

5. This Court has considered the joint affidavit filed by both parties and is conscious of the settled legal position that the

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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.

6. In the present case, Opposite Party No.2 has joined the Petitioner in filing a sworn affidavit and has categorically stated that he does not wish to proceed further with the criminal case and that the Petitioner is 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 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

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useful purpose but would instead amount to abuse of the process of law.

7. 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.

8. 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

¹ AIR 2012 SUPREME COURT 499





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."

9. 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 compounding of offences by the parties before the trial Court or in appeal on one hand and the

² (2008) 16 SCC 1





exercise of power by the High Court to quash the prosecution under Section 482 Cr.P.C. on the other.”

10. 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.

11. In view of the foregoing discussion, the application is allowed. Accordingly, the criminal proceeding initiated against the Petitioner in Infocity P.S Case No.315 of 2025, corresponding to C.T. Case No.1058 of 2025, pending in the court of the learned J.M.F.C.(II), Bhubaneswar, is hereby quashed.

12. Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali

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