



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1830 of 2025

Swarup Routray

....

Petitioner(s)

Mr. Deepak Kumar Sahoo, Adv.

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

Ms. Gayatri Patra, ASC

Mr. Nalini Kanta Sahoo, Adv.

(for O.P. No.2)

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

02.

ORDER

05.05.2026

1. This matter is taken up through hybrid arrangement.
2. By filing the present CRLMC, the Petitioner has prayed for quashing the order of taking cognizance dated 17.11.2023 passed by the learned Special Judge-cum-Sessions Judge, Kendrapara in T.R. Case No.216 of 2022.

Apart from the above, the Petitioner has also prayed for quashing the entire criminal proceedings initiated against him connection with the above noted case.

3. Heard learned counsel for all the parties.
4. Learned counsel for the Petitioner submits that the informant and the Petitioner belong to one area and very closely associated with each other and due to some financial transaction and misunderstanding, the informant/Opposite Party No.2 lodged the FIR against the present Petitioner and



in the meantime, the matter has already been settled between the parties. The informant already received the disputed amount and as per there understanding, the Petitioner will pay the rest amount of Rs.2 lakhs to the informant and the informant also have no objection for settlement of the issue.

5. Learned counsel for the Petitioner further contends that the Petitioner and Opposite Party No.2 have no interest to proceed further in the case.

6. Learned counsel for Opposite Party No.2, on the other hand, confirms the factum of settlement and submits that Opposite Party No.2 does not intend to proceed further with the case.

7. On perusal of the case record, it appears that the Petitioner and Opposite Party No.2 has filed an affidavit dated 11.02.2026, wherein it is stated as follows:

“....

4. That , in the mean time both of us settled the matter out of court and we have no interest to proceed further in the above case for which we both of us filling the above affidavit before this hon'ble court for the appreciation of the fact and law involve in this case for ends of justice .

5.That ,fact remains we both of us are belongs to one aria and due to some financial crisis the petitioner did not pay the amount in due time for which the above case was registered and in the



meantime bad time has already been passed and the the amount has already been paid and both of us have no interest at all to proceed further in the above case.

6. That, if the above case will linger for year together then misunderstanding will lie over then it will hamper our social relationship so keeping eye upon our future we both of us join hand together forgetting the past misunderstanding and we have no interest to proceed further in this case."

8. Learned counsel for the State has no objection if the proceeding is quashed in view of the settlement between the Petitioner and Opposite Party No.2.

9. Considering the submissions made by learned counsel for the parties, the contents of the affidavit filed by the Petitioner and Opposite Party No.2 and the fact that the dispute is essentially of a financial/contractual nature which has been amicably resolved, this Court is of the view that continuation of the criminal proceeding would serve no useful purpose.

10. The Supreme Court in cases such as *Gian Singh v. State of Punjab*¹, *Narinder Singh & Ors. v. State of Punjab & Anr.*² and *State of Madhya Pradesh v. Laxmi Narayan & Ors.*³ has held that criminal proceedings involving predominantly civil disputes can be quashed in exercise of

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

³ (2019) 5 SCC 688



inherent powers under Section 528 of BNSS (erstwhile Section of the 482 Cr.P.C.) when parties have settled the matter amicably.

11. The Supreme Court in the matter of *Ramawatar vs. State of Madhya Pradesh*⁴, has held that the Court has to be mindful of the fact that the 1989 Act (i.e. the SC/St (PoA) Act) has been enacted keeping in view the expressed constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin fold objective of protecting the members of these vulnerable communities; as well as to provide relief and rehabilitation to the victims of caste based atrocities. However, when such offence is primarily private or civil in nature or where the alleged offence not committed on account of the caste of the victim or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. It further held that in such cases, the Court ought to be even more vigilant to ensure that the complainant-victim had entered into the compromise on the volition of his/her free will and not on account of any duress.

12. In the present case, the alleged offence arises out of a monetary dispute between Petitioner and Opposite Party No.2 and does not involve any element of heinous crime or

⁴ 2022 (13) SCC 625



public interest. The matter having been settled and the complainant having received the amount, the possibility of conviction is remote.

13. Accordingly, in exercise of the inherent powers under Section 528 of BNSS (erstwhile Section of the 482 Cr.P.C.), this Court deems it fit and proper to quash the criminal proceeding initiated against the Petitioner in connection with T.R. Case No.216 of 2022, pending before the learned Sessions Judge-cum-Special Judge, Kendrapara.

14. The CRLMC stands allowed and disposed of.

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

16. A copy of the order be communicated to the learned trial Court for information.

(Dr. Sanjeeb K Panigrahi)
Judge