



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1740 of 2026

Kailash Nayak & Ors. *Petitioner(s)*
Ms. Kranti Prabha Mukhi, Adv.
versus-
State of Orissa & Anr. *Opposite Party(s)*
Mr. Tej Kumar, ASC
Mr. Arijeet Mishra, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.
04.

ORDER
15.07.2026

1. This matter is taken up through hybrid arrangement.
2. In the present CRLMC, the Petitioners against whom the allegation of assaulting the informant is made, have prayed for quashing the entire criminal proceeding initiated against them vide C.T. Case No.1612/2025 arising out of Alakunda P.S. Case No.90/2025 pending before the Court of learned S.D.J.M, Jajpur.
3. Heard.
4. At the outset, learned counsel for the Petitioners and learned counsel for the Opposite Party No.2/informant in one tone submit that both the parties are ready for amicable settlement of the dispute involved herein. They also submit that due to some misunderstanding the above noted F.I.R was lodged against the present Petitioners. A joint affidavit to that effect at the instance



of both the parties has been filed. They, accordingly, pray for allowing the prayer made in this CRLMC.

5. The relevant portions of the said affidavit are extracted hereunder:-

“xxx

xxx

xxx

1. That on the basis of an information lodged by the deponent no-12 (Informant/Victim) before the IIC, Alakunda P.S., the present F.I.R has been registered against the petitioners vide Alakunda P.S. Case No.90 of 2025. For alleged commission of offences punishable under section 126(2)/ 115(2)/ 296/ 74/ 303(2)/ 351(2)/ 125/ 324(4)/ 3(5) of BNS pending in the file of the Learned S.D.J.M, Jajpur.
2. That the petitioners and the informant (Opp.party no-2) are the co-villagers.
3. 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.
4. That the deponent no-12 (opp.party no-2) say that she has no grievance against the deponent no-1 to 11 (i.e. petitioners) in any manner and the deponent no-12 (opp.party no-2) does not want to proceed further in this case against the petitioners further.
5. That in view of such settlement at present we are leading a happy and peaceful life without any dispute/ difference between us.
6. 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)/ corner and this affidavit shall be produced before the competent court of law for the interest of justice and welfare of the parties.

xxx

xxx

xxx”



6. This Court has considered the 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, Opposite Party No.2 has joined the Petitioners in filing a joint 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 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."

¹ AIR 2012 SUPREME COURT 499



10. Similar view was taken by the Supreme Court in the case of *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 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 Alakunda P.S. Case No.90/2025 is, hereby, quashed. Consequently, the entire criminal proceeding arising therefrom, i.e., C.T Case No.1612/2025 pending before the Court of learned S.D.J.M, Jajpur also stands quashed.

² (2008) 16 SCC 1



13. This CRLMC is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta