



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2682 of 2025

Jayant Samal & Ors. *Petitioner(s)*
Mr. Janaki Kanta Mahapatra, Adv.
-versus-

The State of Odisha & Anr. *Opposite Party(s)*

Mr. Debashish Nayak, AGA
Mr. Maheswar Jati, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

07.

ORDER

31.03.2026

1. This matter is taken up through hybrid arrangement.
2. In the present CRLMC, the Petitioners against whom the allegation of kidnapping the daughter of the informant is made, have prayed for quashing the entire criminal proceeding initiated against them vide Tangi P.S. Case No.39 dated 13.02.2024 corresponding to G.R. Case No.198/2024 pending before the Court of learned J.M.F.C (II), Cuttack.
3. Heard.
4. At the outset, learned counsel for the Petitioners and learned counsel for the Opposite Party No.2/victim 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 Petitioners. They further submit that the Petitioner No.1 and the Opposite Party No.2 have already tied knot in the meantime and they are also maintaining a happy conjugal life. Learned counsel for the Petitioners also relied on the decisions of the Supreme Court in the case of *Gian Singh Vrs. State of Punjab* ¹, in the case of *B.S. Joshi and Ors. Vrs. State of Haryana & Anr.* ² and also a decision of this Court in the case of *Ritesh Barik & Ors. Vrs. State of Odisha* ³. A joint affidavit has been filed to that effect. They, accordingly, pray for allowing the prayer made in this CRLMC.

5. The relevant portions of the said joint affidavit filed by both the parties are extracted hereunder:-

6. "xxx xxx xxx

That the informant namely Late Nrusingha Mallik lodged the F.I.R on 13.02.2024 at about her daughter aged about 17+ was studying in +2 2nd year at Tangi College. Oon 13.02.2024 in between 7 PM to 8 PM she left his house and she has not returned to home. The informant is suspecting that one Jayant Samal S/o. Late Janardan Samal of his village might have been kidnapped her daughter, basing upon these allegations the F.I.R has been lodged against the present Petitioners.

¹ (2012)10SCC303

² (2003)4SCC 675

³ CRLMC No.3834 of 2024



2. That the Opp.party No.2 is the victim girl and now she is major and the accused are the petitioners in the above mentioned case. The Petitioner No.1 and the Opp.party No.2 are married and leave happily in their conjugal life.
3. That due to mis-understanding, mis-match of mind and serious disturbance, the informant namely Late Nrusingha Mallik lodged the F.I.R against the petitioners.
4. That both the parties do not want to proceed with the criminal case as such if the same may be quashed by this Hon'ble Court the Opp.party No.2 have no objection and if the same is continued the parties will be highly prejudiced.
5. That the petitioner No.1 and the Opp.party No.2 were in love affair since long and she left her house in her own sweet will.
6. That with conditions the dispute between the parties have been resolved and the petitioners and Opp.party No.2 are no more interested to proceed with the case and hence the continuance of the criminal proceeding against the petitioners.
7. That the Opp.party No.2 has gone through the CRLMC and understood the contents of the said application.
8. That the petitioners have filed this CRLMC for quashing the entire proceeding in connection with Tangi P.S. Case No.39 dated 13.02.2024 corresponding to G.R. Case No.198/2024, which is pending before the learned J.M.F.C (II), Cuttack for commission of offences U/s. 363/366/120-B/34 of I.P.C.
9. That we both the parites solemnly affirm that we have executed this joint affidavit without any undue pressure inducement and influences by any one and we both the parties will abide following terms and conditions:-



- i) That the petitioner No.1 and the Opp.party No.2 are already married, which would be an absolute dowry free marriage.*
- ii) That no party shall cause any type of harassment to the other party and no party can say any unpleasant thing against the other party not before any person nor in social medial nor in any other plat form.*
- iii) That both the parties undertake to live harmoniously and undertake not to initiate any proceeding against the other party in any forum.*
- iv) That the petitioner No.1, 2 & 3 all will remain in healthy relationship with Opp.party No.2 and there would be no untowards situation created by any party.*
- v) That both the parties undertake to abide all the above terms and conditions and violation of any condition by any party would invite penal action and liability under civil law also.*

xxx

xxx

xxx"

7. This Court has considered the joint affidavit filed by both 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.

8. In the present case, Opposite Party No.2 has joined the Petitioners in filing a sworn affidavit and has categorically stated that she does not wish to proceed further with the criminal case and that the Petitioners are not involved in the alleged occurrence. The Petitioner No.1 has already married the Opposite Party No.2 and they are maintaining a happy conjugal life. Thus, the Court is not proceeding on the basis of a bare compromise alone, but on the subsequent stand of the complainant, 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.
9. 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.

10. In fact, in the case of *Shiji @ Pappu v. Radhika*⁴ 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."

11. Similar view was taken by the Supreme Court in the case of *Manoj Sharma v. State*⁵ 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

⁴ AIR 2012 SUPREME COURT 499

⁵ (2008) 16 SCC 1



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."

12. 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.

13. In view of the foregoing discussion, the application is allowed. Accordingly, the F.I.R. in Tangi P.S. Case No.39 dated 13.02.2024 is hereby quashed. Consequently, the entire criminal proceeding arising therefrom, i.e., G.R. Case No.198/2024 pending before the Court of learned J.M.F.C(II), Cuttack also stands quashed.

14. This CRLMC is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge