



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2690 of 2025

Uttam Kumar Patel & Ors.

..... *Petitioner(s)*
Mr. Swaraj Patel, Adv.

-Versus-

State of Odisha & Anr.

..... *Opposite Party(s)*
Mr. Debasish Nayak, AGA
Mr. Sumit Sangram Patel, Adv.
(for O.P. No.2)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

25.03.2026

Order No.

03.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioners have filed this CRLMC with a prayer to quash the criminal proceeding initiated against them in Sundargarh Town P.S. Case No.120 of 2025, corresponding to G.R. Case No.400 of 2025 pending in the court of learned S.D.J.M., Sundargarh.
4. 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 23.03.2026 has been filed in Court today. The same be kept on record.
5. The relevant portion of the joint affidavit filed by both the parties is extracted hereunder:



“xxx

xxx

xxx

“That the dispute between the parties arose out of a misunderstanding relating to personal issues.

That with the intervention of well-wishers and respectable persons of the locality, the parties have amicably settled their disputes outside the Court through mutual discussion. The misunderstanding has been cleared and the relationship between the parties has been normalised”

That the compromise has been effected voluntarily, out of free will, consent and without any coercion, pressure, inducement or undue influence from any quarter.

That the Opposite Party No.2 (informant) has no grievance whatsoever against the Petitioners and does not want to proceed with the criminal case any further.

That both the parties are now living peacefully and maintaining cordial relationship with each other.

That both the parties have no objection if the FIR, charge-sheet and the entire criminal proceeding in G.R. Case No.400 of 2025 arising out of Sundargarh Town P.S. Case No.120 of 2025 are quashed by this Hon’ble Court.”

6. 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.

7. 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 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 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.
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

¹ AIR 2012 SUPREME COURT 499



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.”

10. 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 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

² (2008) 16 SCC 1



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 criminal proceeding in Sundargarh Twon P.S. Case No. 120 of 2025 is hereby quashed. Consequently, the entire criminal proceeding arising therefrom, i.e., G.R. Case No.400 of 2025 pending before the learned S.D.J.M., Sundargarh, also stands quashed.

13. Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge