



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3105 of 2025

Harish Chandra Challan
@ Hari Bhatra

Petitioner(s)

Mr. Jugala Kishore Panda, Adv.

-versus-

State of Odisha & Anr.

Opposite Party(s)

Mr. Sonak Mishra, ASC

Mr. Suryakanta Dwibedi, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order
No.

ORDER
26.02.2026

05. 1. This matter is taken up through hybrid arrangement.
2. In the present CRLMC, the Petitioner has prayed for quashing the entire criminal proceeding initiated against him in connection with C.T. Case No.3 of 2022 arising out of Kodinga P.S. Case No.211 of 2021 pending before the Court of learned Additional Sessions Judge-cum-Special Judge, Nabarangpur.
3. Heard.
4. At the outset, learned counsel for the Petitioner and learned counsel for the Opposite Party No.2/informant-victim in one tone submit that since both the Petitioner and the Opposite Party No.2 have tied the knot in the meantime and are leading a happy conjugal life, the above



noted criminal proceeding initiated against the Petitioner may be quashed. They also submit that both of them are ready for amicable settlement of the dispute involved herein. They also file a joint affidavit to that effect.

5. It is also submitted that though the Petitioner has been booked for the offences alleged against him under the POCSO Act, since the Petitioner and the victim are leading a happy conjugal life after their marriage, the Petitioner may be released from the charges alleged against him under the POCSO Act. He also relies on a decision of the Supreme Court on the said issue in the case of *K. Kirubakaran Vrs. State of Tamil Nadu*¹. They, accordingly, pray for allowing the prayer made in this CRLMC. The relevant paragraphs of the said judgment are extracted herein below:-

“6. We are conscious of the fact that a crime is not merely a wrong against an individual but against society as a whole. When an offence is committed, it wounds the collective conscience of the society and therefore the society, acting through its elected lawmakers, determines what would be the punishment for such an offence and how an offender should be dealt with, to deter its recurrence. The criminal law is, thus, a manifestation of the sovereign will of the society. However, the administration of such law is not divorced from the practical realities. Rendering justice demands a nuanced approach. This Court tailors its decisions to the specifics of each case: with firmness and severity wherever necessary and it is merciful when warranted. It is also in the best interest of society to ring a dispute to an end,

¹ 2025 LiveLaw (SC) 1048



wherever possible. We draw inspiration from Cardozo, J. to hold that the law aims to ensure not just punishment of the guilty, but also harmony and restoration of the social order.

9. Per the law made by the legislature, the appellant having been found guilty of a heinous offence, the proceedings in the present case on the basis of a compromise between the appellant and his wife cannot be quashed. But ignoring the cry of the appellant's wife for compassion and empathy will not, in our opinion, serve the ends of justice. Even the most serious offenders of law do receive justice moderated by compassion from the courts, *albeit* in appropriate cases. Given the peculiar facts and circumstances here, a balanced approach combining practicality and empathy is necessary. The appellant and the victim are not only legally married, they are also in their family way. While considering the offence committed by the appellant punishable under the POCSO Act, we have discerned that the crime was not the result of lust but love. The victim of crime herself has expressed her desire to live a peaceful and stable family life with the appellant, upon whom she is dependent, without the appellant carrying the indelible mark on his forehead of being an offender. Continuation of the criminal proceedings and the appellant's incarceration would only disrupt this familial unit and cause irreparable harm to the victim, the infant child, and the fabric of society itself.

11. Accordingly, resting on the foregoing considerations, the developments subsequent to the trial, and in the interest of rendering complete justice, we deem it appropriate to invoke our powers under Article 142 of the Constitution of India to quash the criminal proceedings against the appellant including the conviction and sentence. Ordered accordingly.

12. Also, bearing in mind the interests of the appellant's wife and child, we deem it appropriate to subject the appellant to the specific condition of not deserting his wife and child and also to maintain them for the rest of their life with dignity. If, in future, there be any default on the appellant's part and the same is brought to the notice of this Court by his wife or their



child or the complainant, the consequences may not be too palatable for the appellant.”

6. It is well settled that although the offences under Sections 376(2)(n), 376(3) & 506 of the I.P.C and Sections 4(2) & 6 of the POCSO Act are non-compoundable, the High Court, in exercise of its inherent jurisdiction under Section 482 of the Cr.P.C., is not denuded of power to quash the criminal proceeding where the dispute is essentially private and matrimonial in nature and the parties have voluntarily arrived at a genuine and complete settlement. The underlying object of such exercise is to secure the ends of justice and to prevent abuse of the process of the Court. Where the continuation of the criminal proceeding, despite an amicable settlement, would serve no fruitful purpose and would only perpetuate bitterness between the parties, the High Court would be justified in interdicting the prosecution, particularly when the informant herself has unequivocally expressed her consent for such quashing.

6. Considering the contents of the joint affidavit filed by the Petitioner and the Opposite Party No.2/ informant and following the ratio laid down by the Supreme Court in the case of *K. Kirubakaran (supra)* and *Gian Singh v. State of Punjab and another*², and two other reported cases of this Court in *Lokanath @ Anadi Sethi and four others v. State*

² (2012) 10 SCC 303



*of Orissa and four others*³, and *Sansuri alias Khageswar Lenka and another –vrs.- State of Orissa and Another*⁴, wherein this Court is of the opinion that no useful purpose will be served in allowing such proceedings to continue the criminal proceeding in the aforesaid case as it will only lead to abuse the process of law.

7. In view of the aforesaid discussion and considerations and looking to the decision of the Supreme Court in the case of *K. Kirubakaran* (*supra*), this Court is of the view that the Petitioner should be released from the charges levelled against him under the POCSO Act as he and the informant-victim are leading a happy conjugal life. This application is, hereby, allowed. Accordingly, the entire criminal proceeding initiated against the Petitioner vide C.T. Case No.03 of 2022 arising out of J.C. Case No.52 of 2021 arising out of Kodinga P.S Case No.211 of 2021 pending before the Court of learned Additional Sessions Judge-cum-Special Judge, Nabarangpur stands quashed.

8. This CRLMC is, accordingly, disposed of.

9. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

³ 2014 (II) OLR 29

⁴ 2014 (II) OLR 452