



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3166 of 2025

***Amarendra Pratap Swain @
Vicki Swain and others***

.....

Petitioners

Represented By Adv. -
Gopal Krushna
Mohanty

-versus-

State Of Odisha and another

.....

Opposite Parties

Represented By Adv. -
Subhakanta Mohapatra

Ms. B.K. Sahu, AGA

**CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

**ORDER
21.08.2025**

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners as well as learned
 counsel for the Informant and learned counsel for the State. Perused
 the application as well as prayer made therein.
3. By filing the present application under Section 528 of BNSS,
 the Petitioners seek quashing of the entire criminal proceeding in
 G.R. Case No.2866 of 2022 which corresponds to Cuttack Sadar
 P.S. Case No.480 dated 22.10.2022, now pending in the file of
 learned S.D.J.M.(S), Cuttack for commission of alleged offences
 punishable under Sections 341, 294, 323, 506 & 34 of IPC.



4. Learned counsel for the Petitioners at the outset contended that due to a misunderstanding between the Petitioners and the Informant-Opposite Party No.2 the aforesaid case was registered implicating the Petitioners in the crime. He further submitted that in the meantime the matter has been amicably resolved and that the parties are living peacefully in the locality. He further contended that the Informant-Opposite Party No.2 does not want to proceed further in this case. Learned counsel for the Petitioners at this juncture contended that now the case is pending before the learned J.M.F.C.(R), Cuttack instead of learned S.D.J.M.(S), Cuttack.

5. Learned counsel for the Informant on the other hand, while supporting the submission made by learned counsel for the Petitioners, referred to the joint affidavit filed by the parties which was sworn before the Oath Commission of this Court. On perusal of the joint affidavit, it appears that the Informant-Opposite Party No.2 has stated that due to a misunderstanding between the Petitioners and the Opposite Party No.2 the aforesaid FIR was registered and that later the Opposite Party No.2 realized that the Petitioners are not involved in the alleged crime and on a misconception their names are included in the FIR. It has also been specifically stated that the crime was committed by some unknown outsiders. In the affidavit it has also been stated that due to the intervention of well-wishers and local gentries the matter has been compromised within any without external influence or pressure. Accordingly, the Opposite Party No.2 does not want to proceed against the Petitioners in the pending criminal proceedings.

6. Learned counsel for the State on the other hand contended that on perusal of the joint affidavit which sworn before the Oath Commissioner of this Court, it appears that the matter has been



amicably resolved. In such view of the matter, learned counsel for the State submitted that he will have no objection in the event this Court passes any appropriate order keeping in view the subsequent developments.

7. Having regard to the submissions made by the learned counsels appearing for the parties, on a careful examination of the background facts, further taking into consideration the affidavit filed by the Opposite Party No.2, further keeping in view the nature of the allegation made in the FIR, this Court is inclined to quash the offence under Section 294 of IPC. So far as the other offences are concerned, liberty is given to the Petitioners to move the learned trial Court by filing an application under Section 320 of Cr.P.C. corresponding to Section 359 of BNSS for compounding of the offences. In such eventuality, the learned trial Court shall do well to consider such application by taking into consideration the subsequent development as well as the joint affidavit and pass necessary orders thereon.

8. With the aforesaid observations/directions, the CRLMC application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout