



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3507 of 2025

Jitendra Das *Petitioner(s)*
Mr. Arijeet Mishra, Adv.
-versus-
State of Orissa & Ors. *Opposite Party(s)*
Mr. Sonak Mishra, ASC
Mr. Kranti Prabha Mukhi, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

04.

ORDER

08.05.2026

1. This matter is taken up through hybrid arrangement.
2. In the present CRLMC, the Petitioner against whom the allegation of kidnapping the daughter of the informant is made, has prayed for quashing the entire criminal proceeding initiated against him vide C.T. Case No.240/2023 arising out of Jaipur Sadar P.S. Case No.28/2023 pending before the Court of learned S.D.J.M, Jaipur.
3. Heard.
4. At the outset, learned counsel for the Petitioner 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. It is also submitted that in the meantime, both the Petitioner and the daughter of the informant have already tied the



knot and are leading a happy conjugal life. They also submit that due to some misunderstanding the above noted F.I.R was lodged against the Petitioner. 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:-

“xxx

xxx

xxx

- 1. That on the basis of the information lodged by the father of the deponent No.3 (Informant) before the IIC, Jajpur Sadar P.S., the present FIR has been registered against the Petitioner vide Jajpur Sadar P.S. Case No.28/ 2023.*
- 2. That, the deponent No.1 and the deponent No.3 had a love relationship between them, both of them fled away and got married, as in the meantime due to intervention of the village gentries, well wishers, friends and in presence of both the parties the matter has already been settled between the deponent No.1 and the deponent No.2 (victim) and out of their wedlock one child has been born and they are now leading a happy conjugal life.*
- 3. That, the deponent No.2 say that she has no grievance against the deponent No.1 (petitioner) in any manner and the deponent No.2 do not want to proceed further in this case against the petitioner as now the deponent No.2 is now leading a happy conjugal life in her matrimonial house.*
- 4. That, in view of amicable settlement and being present in court premises today we are swearing this affidavit without fear, pressure and coercion and not being influenced by any*



person/ corner; and this affidavit shall be produced before the competent court of law for the interest of justice and welfare of the parties.

- 5. That, the facts stated above are true and correct to the best of our knowledge and belief;*
- 6. That, after understanding and going through the contents of this affidavit and found it to be correct we put our respective signatures.*

xxx

xxx

xxx"

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. In order to strengthen the case of the Petitioner, learned counsel for the Petitioner also relies on the decision of the Supreme Court in the case of *Madhavrao Jiwaji Rao Scindia & Anr. Etc. Vrs. Sambhajirao Chandrojirao Angre & Ors. Etc* ¹ and in the case of *Gian Singh Vrs. State of Punjab & Anr.*²

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.

¹ 1988 AIR 709

² Special Leave Petition (Crl.) No.8989 of 2010



9. In fact, in the case of *Shiji @ Pappu v. Radhika*³ 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.”

10. Similar view was taken by the Supreme Court in the case of *Manoj Sharma v. State*⁴ 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

³ AIR 2012 SUPREME COURT 499

⁴ (2008) 16 SCC 1



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 Jajpur Sadar P.S. Case No.28/2023 is, hereby, quashed. Consequently, the entire criminal proceeding arising therefrom, i.e., C.T. Case No.240/2023 pending before the Court of learned S.D.J.M, Jajpur also stands quashed.

13. This CRLMC is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge