



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.4528 of 2025

Samir Gadanayak

.....

Petitioner

Represented By Adv. -
Gopal Krushna Nanda

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. -
Mr. U.R.Jena, A.G.A.

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

ORDER
08.12.2025

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned counsel for the State. Perused the application as well as the prayer made therein.
3. It is stated by the learned counsel for the Petitioner that the informant-victim is dead in the meantime.
4. The present application has been filed at the instance of the accused-Petitioner with a prayer to quash the criminal proceeding in G.R. Case No.113(A) of 2015 which corresponds to Tumusingha P.S. Case No.26 of 2015 now pending in the file of learned S.D.J.M., Kamakhyanagar. The abovenoted criminal case was registered at the instance of the informant alleging commission of an offence punishable under Sections 294, 323, 506, 34 of I.P.C. in the year



2015.

5. Learned counsel for the Petitioner at the outset contended that the abovenoted criminal case has been compromised between the informant-victim and the present Petitioner by a compromise petition dated 28.03.2017 at Annexure-2 to the application. He further contended that after execution of the abovenoted compromise petition, the victim-informant died on 19.01.2018 which is evident from the certificate issued by the competent authority at Annexure-3. Learned counsel for the Petitioner at this juncture contended that taking into consideration the fact that the dispute is amongst family members and that the allegation refers to a dispute of trivial nature, the entire criminal proceeding be quashed. He further contended that although the case was registered in the year 2015, and the some of the witnesses have been examined in the meantime, however, the same is still pending for trial.

6. Learned counsel for the State on the other hand objected to quashing of the proceeding on the ground that the informant is dead. He further submitted that in the event the matter has been amicably settled, the Petitioner should have approached the learned trial court for compounding of the offences, especially since the offences alleged are compoundable in nature except the offence under Section 294 of the I.P.C. In such view of the matter, learned counsel for the State contended that the present application is devoid of merit and, accordingly, the same should be dismissed.

7. Having regard to the submissions made by the learned counsels for the respective parties, on a careful examination of the documents annexed to the application, further on a close scrutiny of the charge sheet, this Court observes that the offence under Section



294 I.P.C. is not compoundable. Moreover, it appears that the parties in the criminal proceeding are members of one family and that an attempt was made to resolve the dispute amicably and accordingly a joint petition filed on 28.03.2017 prior to the death of the informant-victim. Taking into consideration the nature of the allegation, this Court is of the view that no case under Section 294 I.P.C. is made out. Accordingly, the offence under Section 294 I.P.C. is hereby quashed. So far as the other offences are concerned, liberty is granted to the Petitioner to move an application under Section 320(1) Cr.P.C. before the learned trial court within two weeks from today. In such eventuality, the learned trial court keeping in view the fact that the matter has been amicably resolved and after providing opportunity to the both sides i.e. to the Petitioner to the legal heirs of the deceased informant, pass necessary orders in accordance with law within a period of eight weeks from the date of filing of the application under Section 320(1) of Cr.P.C.

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

(Aditya Kumar Mohapatra)
Judge