



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5312 of 2025

1. Sadasiba Swain
2. Deba @ Debendra Swain **Petitioners**

Mr. Pradeep Kumar Kundu, Advocate

-versus-

State of Odisha **Opposite Party**

*Mr. Sibanarayan Biswal,
Additional Standing Counsel*

*Mr. Hemant Kumar Tripathy, Advocate
(for the informant-Rabindra Swain)*

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER
18.12.2025

Order No.
01.

(Through hybrid mode)

1. This application has been filed by the petitioners for quashing of the order of cognizance dated 18.09.2017 as well as the entire proceeding in G.R. Case No.67 of 2016 pending before the learned J.M.F.C., Niali, which arises out of Niali P.S. Case No.07 of 2016.

2. Mr. Pradeep Kumar Kundu, learned counsel for the petitioners submits that the petitioners are the sons of the informant and due to misunderstanding, the informant had lodged the FIR



against the petitioners but in the meanwhile, the matter has been settled and the informant does not want to proceed against the petitioners.

3. Mr. Hemant Kumar Tripathy, learned counsel submits that he has instructions to appear on behalf of the informant-Rabindra Swain, in this case. He also submits that the matter has been settled between the informant (father) and the petitioners (sons) and the informant has sworn an affidavit stating that his sons are residing outside the State and maintaining their livelihood by working in a private company and taking care of him by sending money in every month. It is also stated therein that the informant does not want to proceed with the case and he has no objection, if the case has been quashed. Copy of the affidavit is served on Mr. Sibnarayan Biswal, learned Additional Standing Counsel.

4. Mr. Pradeep Kumar Kundu, learned counsel for the petitioners submits that he has filed I.A. No. 3820 of 2025 for stay on 15.12.2025 but the same is not available in the record.

5. Perusal of the cause title of the CRLMC reveals that the informant in this case has not been arrayed as opposite party.



6. Hence, list this case on 23.12.2025 along with the I.A. No.3820 of 2025, if any, filed by the learned counsel for the petitioners as well as any I.A. to implead the informant as party. Affidavit, if any, of the informant-Rabindra Swain, be tagged to the record.

7. Mr. Sibnarayan Biswal, learned Additional Standing Counsel shall make an attempt to obtain instruction regarding amicable settlement between the parties.

(Savitri Ratho)
Judge

RKS