



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.343 of 2026

N. Rajesh & Ors. *Petitioner(s)*
Ms. Susmita Pattnaik, Adv.
-versus-
State of Odisha & Anr. *Opposite Party(s)*
Smt. Sarita Moharana, ASC
Mr. Sangram Mishra, Adv.

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

02.

ORDER

25.03.2026

1. This matter is taken up through hybrid arrangement.
2. In the present CRLMC, the Petitioner No.1 being the husband of the Opposite Party No.2 and the Petitioner Nos.2 to 4 being the in-laws members of the Opposite Party No.2, have prayed for quashing the entire criminal proceeding initiated against them vide G.R. Case No.666/2023 pending before the Court of learned S.D.J.M, Cuttack.
3. Heard.
4. At the outset, learned counsel for the Petitioners 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. A joint affidavit has been filed to that effect. They,



5. The relevant portions of the said joint affidavit filed by both the parties are extracted hereunder:-

xxx

xxx

1. That while the fact stood thus by an amicable Settlement Between we both the spouses filed a joint petition under section 13-B of the Hindu Marriage Act, vide C.P. No.721/2025 before the learned Judge, Family Court, Cuttack praying therein for passing mutual Divorce and as per the terms of said compromise. Also I Deponent No.2 have received a sum of Rs.5,00,000/- out of Rs.7,00,000/- as part paying of my permanent alimony and the matter is pending for disposal before the Learned Judge, Family Court, Cuttack.
2. That as per the condition of the compromise we both parties have agreed to co-operate for disposal of the pending cases as reflected in the joint Divorce petition. Accordingly we both filed affidavit before this Hon'ble Court.
3. That, at the present scenario the continuance of said G.R. Case before the Court below is an unnecessary waste of time and money as we are not interest to proceed further with this case in view of the compromise effected between us.
4. That we have not suppressed any material facts and being in sound mind have filed divorce petition before the Judge Family Court, Cuttack.

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 Petitioners in filing a sworn affidavit and has categorically stated that she does not wish to proceed further with the criminal case and that the Petitioners are 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 herself, 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.

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.
9. In fact, in the case of *Shiji @ Pappu v. Radhika*¹ 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

¹ AIR 2012 SUPREME COURT 499



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*² 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 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 entire criminal proceeding initiated against the Petitioners vide G.R. Case No.666 of 2023 pending before the Court of learned S.D.J.M, Cuttack stands quashed.

² (2008) 16 SCC 1



13. This CRLMC is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta