

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2940 of 2025

(In the matter of a petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023).

Omm Prakash Nayak *Petitioner(s)*

-versus-

State of Odisha & Anr. *Opposite Party (s)*

Advocates appeared in this case through Hybrid Arrangement Mode:

For Petitioner (s) : *Mr. Jayakrishna Mohapatra, Adv.*

For Opp. Party(s) : *Mr. Debasish Nayak, AGA*
Mr. Pradeep Kumar Das, Adv.
(for O.P. No.2)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING: -20.05.2026

DATE OF JUDGMENT: -25.06.2026

Dr. Sanjeeb K Panigrahi, J.

1. The present petitioner is seeking the quashing of the proceedings initiated against him in connection with G.R. Case No. 19 of 2020, corresponding to Chandbali P.S. Case No. 9 of 2020, pending before the Court of the learned JMFC, Chandbali.

I. FACTUAL MATRIX:

2. The prosecution case, in brief, is that the informant, namely Smt. Padmabati Behera, wife of Jayanta Behera, lodged an FIR alleging that on 07.01.2020 at about 4.00 p.m., the accused persons abused the informant and her family members in filthy language, trespassed into her house, removed bags of paddy, misbehaved with her, and



assaulted the informant and her family members by means of blows, kicks and iron pipes.

3. Pursuant to registration of the FIR, the Investigating Officer commenced investigation, recorded the statements of witnesses under Section 161 Cr.P.C. and, upon completion of investigation, submitted charge-sheet against the petitioner and the other accused persons.
4. It is stated that the name of the present petitioner does not find mention in the body of the FIR. It is further stated that the witnesses, in their statements recorded under Section 161 Cr.P.C., named the other accused persons but did not refer to the present petitioner as having participated in the alleged occurrence.
5. During the pendency of the present proceeding, the petitioner and Opposite Party No. 2 filed a joint affidavit stating that the dispute has been amicably settled between them and that Opposite Party No. 2 does not wish to proceed with the case against the petitioner. The parties have also undertaken not to interfere in each other's personal lives in future. The injured person has likewise filed an affidavit stating that she has recovered from her injuries, that the dispute has been amicably settled and that she does not wish to pursue the proceedings against the petitioner.

II. SUBMISSIONS OF THE PETITIONER:

6. Learned counsel for the petitioner made the following submissions in support of his contentions:



- i. The petitioner submitted that the name of the present petitioner does not find mention in the body of the FIR, although the names of the other accused persons have been specifically mentioned therein. It was further submitted that the witnesses, whose statements were recorded under Section 161 Cr.P.C., have also not implicated the petitioner in the alleged occurrence. It was contended that, despite the absence of any specific allegation against the petitioner in the FIR or the statements recorded during investigation, the Investigating Officer submitted charge-sheet against him along with the other accused persons.
- ii. The petitioner submitted that the petitioner is a Central Government employee serving in the Defence Department and that continuation of the criminal proceeding would seriously prejudice his service career.
- iii. It was submitted that during the pendency of the present proceeding, the parties have amicably settled the dispute. In this regard, a joint affidavit has been filed by the petitioner and Opposite Party No. 2 stating that the matter has been resolved and that Opposite Party No. 2 does not wish to proceed with the case against the petitioner. It was also submitted that the injured person has filed a separate affidavit stating that she has recovered from her injuries and does not wish to pursue the proceedings.
- iv. Placing reliance on the decisions of the Supreme Court in *Narinder Singh v. State of Punjab*¹, *State of M.P. v. Laxmi Narayan*², *Central*

¹ (2014) 6 SCC 466.



*Bureau of Investigation v. Sadhu Singh*³, and *Gian Singh v. State of Punjab*⁴, the petitioner prayed for quashing of the criminal proceeding in view of the amicable settlement arrived at between the parties.

III. SUBMISSIONS OF THE OPPOSITE PARTIES:

7. Per contra, learned counsel for the opposite parties made the following submissions in support of his contentions:
 - i. It was submitted that the dispute has been amicably settled between the parties and that neither Opposite Party No. 2 nor the injured has any grievance against the petitioner.
 - ii. It was further submitted that the injured has fully recovered from the injuries allegedly sustained in the occurrence and does not wish to pursue the criminal proceeding against the petitioner.
 - iii. It was submitted that a large number of persons had participated in the quarrel and that the petitioner's name came to be included in the list of accused persons inadvertently. It was further stated that the petitioner neither participated in the quarrel nor took part in the occurrence and was merely present at the spot as a neighbour and onlooker.

² (2019) 5 SCC 688.

³ (2017) 5 SCC 350.

⁴ (2012) 10 SCC 303.



- iv. It was accordingly submitted that Opposite Party No. 2 and the injured have no objection if the proceeding in G.R. Case No. 19 of 2020, insofar as it relates to the present petitioner, is quashed.

IV. COURT'S REASONING AND ANALYSIS:

8. Heard learned counsel for the parties and perused the material on record.
9. The principal grounds urged on behalf of the petitioner are that, despite being named in the FIR, no specific role has been attributed to him and that the dispute has since been amicably settled between the parties. It has also been submitted that Opposite Party No. 2 and the injured person do not wish to pursue the criminal proceeding against the petitioner. The question that therefore arises is whether continuation of the proceeding against the petitioner would amount to an abuse of the process of the Court.
10. A perusal of the FIR reveals that as many as 61 persons have been named as accused therein, including the present petitioner. However, neither the FIR nor the materials collected during investigation disclose any specific overt act or active role attributable to the petitioner in the alleged occurrence.
11. It is also not in dispute that during the pendency of the present proceeding, the petitioner and Opposite Party No. 2 have arrived at an amicable settlement. A joint affidavit has been filed stating that all disputes between them have been resolved and that Opposite Party No. 2 does not wish to proceed with the case against the petitioner.



The injured person has likewise filed an affidavit stating that she has recovered from her injuries and does not intend to pursue the proceeding against the petitioner.

12. At this juncture, it would be apposite to advert to the scope of the inherent jurisdiction vested in this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, while considering a prayer for quashing of criminal proceedings on the basis of a settlement arrived at between the parties.
13. The Supreme Court in this regard has elucidated the following position of law in *Gian Singh v. State of Punjab*⁵:

“57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.”

14. In the same judgment the Supreme Court further elaborated the circumstances in which criminal proceedings in a non-compoundable

⁵ (2012) 10 SCC 303.



case may be quashed on the basis of a settlement between the parties.

The relevant observations are replicated herein:

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc. or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such



offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the



offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc. cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."



15. This principle was reiterated in *Narinder Singh v. State of Punjab*⁶ wherein the Supreme Court observed that where an offence is treated as a crime against society or is otherwise heinous in nature, it becomes the duty of the State to prosecute and punish the offender. In such cases, even if the victim and the accused have arrived at a settlement, their will would not prevail, as the matter transcends the interests of the individual parties and enters the public domain.
16. The principle that emerges from the aforesaid decisions is that while the existence of a settlement is a relevant consideration, the Court must have due regard to the nature and gravity of the allegations and the role attributed to the accused before determining whether continuation of the criminal proceeding would amount to an abuse of the process of law.
17. In the present case, although the FIR invokes, inter alia, Sections 354, 325 and 307 IPC, neither the FIR nor the materials collected during investigation disclose any specific overt act attributable to the present petitioner. Apart from his inclusion amongst the 61 persons named as accused, no material has been brought on record indicating his active participation in the alleged occurrence. The informant and the injured person have also filed affidavits stating that the dispute has been amicably settled and that they do not wish to proceed against the petitioner. In the absence of any specific allegation against the petitioner, the mere invocation of the aforesaid provisions would not,

⁶ (2014) 6 SCC 466.



by itself, preclude this Court from examining the propriety of quashing the proceeding qua the present petitioner.

18. In the aforesaid circumstances, particularly in view of the absence of any specific allegation or overt act attributable to the petitioner and the amicable settlement arrived at between the parties, this Court is of the considered view that the possibility of the petitioner's conviction is remote. Continuation of the criminal proceeding against him would serve no useful purpose and would amount to an abuse of the process of the Court. The ends of justice would therefore be served by quashing the proceeding insofar as the present petitioner is concerned.

V. CONCLUSION:

19. Accordingly, the CRLMC is allowed.
20. The proceeding in G.R. Case No.19 of 2020 arising out of Chandbali P.S. Case No.9 of 2020 pending before the learned JMFC, Chandbali, is hereby quashed insofar as the present petitioner is concerned.
21. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

Orissa High Court, Cuttack,
Dated the 25th June, 2026/-