



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5471 of 2025

*Dibakar Swain*

....

*Petitioner (s)*

*M/s. L.K. Maharana, Adv.*

*-versus-*

*State of Odisha & Another*

....

*Opp. Party (s)*

*Mr. Tej Kumar, ASC*

*Mr. P. Anup Dash, Adv.*

*(for O.P.2)*

**CORAM:**

**DR. JUSTICE SANJEEB K PANIGRAHI**

Order No.

ORDER

10.

29.06.2026

1. This matter is taken up through hybrid arrangement.
2. The Petitioner, by way of the present CRLMC, seeks quashing of the entire criminal proceeding in C.T. (Sessions) Case No.111 of 2025, arising out of Kuakhia P.S. Case No.307 of 2025, pending in the court of the learned A.D.J., Jajpur for alleged commission of offences under Sections 64(1)/ 123/ 296/ 351(2)/ 351(3) of the BNS, 2023 read with Section 66(E)/ 67/ 67(A) of the I.T. Act.
3. Heard the learned counsel for the Parties.
4. The prosecution allegations in a nutshell are that on 07.08.2025 the Informant reported that the Petitioner was her classmate. They were acquainted with each other as friend, as the Informant was going to the village of the accused for tuition as a Tutor. They had exchanged their phone number and had been talking each other. Gradually, their love relationship was developed. Once the Complainant/Informant was in need of money and asked help of the



petitioner. It is further alleged that the accused-Petitioner provided some money in exchange of gold chain and ear flower of the complainant. One day while the Informant had been to Jaraka in her work and waiting to catch the bus near jaraka bus stand, the accused-petitioner arrived there and they talked each other and offered cold drinks to the complainant. After consuming the cold drink, the complainant had suffered from headache. Thereafter, the accused-petitioner took her into the house of his friend. Then she became senseless. When she got her sense, she felt pain in her private part and came to know that she had been raped by the accused in a hotel room. When she cried, the accused assured her that nothing would be happened with that sex as he had used condom. Thereafter, the accused brought her to Kuakhia in his bike and left her there. It is further alleged that the informant was threatened by the accused to make her Photographs viral, if she would not have sex with him. It is also alleged that the accused had threatened the father of the Informant and her brother over phone to kill them and abused them in filthy languages. It is further alleged that the accused had sent the nude photographs of the informant to the mobile number of his brother. Hence, this case.

5. It transpires from the record that after completion of Investigation, the Investigating Officer submitted Preliminary Charge Sheet against the petitioner on 05.10.2025 for the commission of alleged offences under Sections 64(1)/123/296/351(2)/351(3) of the BNS,



2023 read with Section 66(E)/67/67(A) of the IT Act keeping the Investigation open as the accused is in custody since 08.08.2025. Further, the learned trial court vide order dated 09.10.2025 took cognizance of the aforesaid offences.

6. Learned counsel for the Petitioner submits that the genesis of the present prosecution lies in certain misunderstandings and interpersonal differences between the Petitioner and the Informant. It is submitted that subsequent to the institution of the FIR, the parties, with the active intervention of their family members and well-wishers, have amicably settled all their disputes and buried their differences.
7. According to the learned counsel, the relationship between the parties now stands restored to a cordial footing, and they are living in peace and harmony without any trace of bitterness or hostility. In such circumstances, it is submitted that allowing the criminal proceeding to continue would neither advance the cause of justice nor serve any useful purpose.
8. Learned counsel for the Informant/Opposite Party No.2, upon instructions, acknowledges that the parties have amicably settled their disputes and differences. The informant and the accused are also physically present today before this Court and upon query they also confirmed that there was a misunderstanding and they have ironed out their differences. It is submitted that consequent upon such settlement, the Informant no longer harbours any



grievance against the Petitioner and is not inclined to pursue the prosecution any further.

9. Learned counsel further states that the Informant/Opposite Party No.2 has no objection if the entire criminal proceeding pending against the Petitioner is quashed, as continuance thereof would serve no useful purpose in the facts and circumstances of the case. On perusal of the case record, it appears that the Petitioner and the informant/ Opposite Party No.2 have filed joint affidavit dated 21.05.2026 in this CRLMC. The relevant portion of the said affidavit reads as under:

*"xx xx xx xx*

*4. It is humbly submitted that, in the meantime the matter was compromised amicably between family of both the sides and well-wishers with the free consent of both the parties i.e., the Accused-petitioner and informant. Hence, the informant does not want to proceed further in this case, and she doesn't have any objection, if the instant criminal proceeding against the petitioner is dropped by this Hon'ble court. Furthermore, both the parties hereby undertake that they don't have any claim or grievance against each other, and they will also not pursue any case consequent upon this issue against each other. The accused-petitioner henceforth will not harass the informant in any manner.*

*5. In view of the aforesaid premises and truthful submission, and in as much as the fact that the dispute arises out of misconception, misguide and dissension, in as much as the fact that, the matter has already been settled amicably and peacefully, with the free consent of the informant any coercion or ill-will, and there has been love affair between petitioner and the informant, and she does not want to proceed further in this case, hence, the*



*present criminal proceeding arises out of Kuakhia P.S. case No. 307/2025 against the petitioner may kindly be quashed in the interest of Justice.*

*6. That, the facts and contents of the present affidavit are read over and explained to the petitioner and informant in Odia, and they are swearing this affidavit in their free consent without any influence/coercion/threat /pressure from anyone, and after understanding the content and purpose of this affidavit, and finding the same are true and correct to the best of their knowledge and belief''*

10. Learned Additional Standing Counsel appearing for the State fairly submits that, having regard to the settlement entered into between the Petitioner and the Informant/Opposite Party No.2 and the stand taken by the latter before this Court, the State does not oppose the prayer for quashing of the criminal proceeding. It is, however, submitted that the matter may be considered and decided in accordance with law and the settled principles governing the exercise of inherent jurisdiction for quashment of criminal proceedings.

11. Upon a careful consideration of the submissions advanced by the learned counsel for the respective parties, the terms of the joint affidavit filed before this Court, and the nature and genesis of the dispute and the tender age of the victim and the accused, this Court is satisfied that the parties have arrived at an amicable settlement of their own volition. The materials on record do not indicate any element of coercion or duress in the settlement process. On the contrary, the settlement appears to be a bona fide



endeavour on the part of the parties to bury their differences and restore peace and harmony, thereby rendering the continuance of adversarial proceedings largely unnecessary.

12. The Hon'ble Supreme Court in *Gian Singh v. State of Punjab and Another*<sup>1</sup>, authoritatively held that in exercise of its inherent jurisdiction, the High Court may quash criminal proceedings involving disputes which are predominantly personal or private in nature, where the parties have amicably resolved their differences and the continuance of the prosecution would serve no useful purpose. The Court observed that where the possibility of conviction is remote and bleak on account of a genuine settlement between the parties, and where quashment would secure the ends of justice and prevent abuse of the process of the Court, such power may appropriately be exercised. Further in the case of *Narinder Singh & Ors. v. State of Punjab & Anr.*<sup>2</sup>, the Supreme Court laid down guidelines for quashing proceedings on the basis of compromise and observed that such power should be exercised where the dispute is essentially private and continuation of proceedings would be futile.

13. Similarly, in *State of Madhya Pradesh v. Laxmi Narayan & Ors.*<sup>3</sup>, the Supreme Court reiterated that in cases having overwhelmingly civil or personal flavour, the High Court may quash proceedings if the parties have settled the dispute, provided the offences are not heinous or serious in nature affecting society at large.

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<sup>1</sup> (2012) 10 SCC 303

<sup>2</sup> (2014) 6 SCC 466

<sup>3</sup> (2019) 5 SCC 688



14. In the case at hand, this Court finds that the dispute emanates from a personal relationship between the parties and does not involve any element of public injury or societal impact of such magnitude as would warrant the continuance of the prosecution notwithstanding the settlement. The materials on record, including the joint affidavit filed by the parties, unequivocally demonstrate that they have voluntarily resolved their disputes and differences and have chosen to move forward in life without any lingering acrimony. In such circumstances, the possibility of the prosecution culminating in a meaningful conviction appears remote and bleak. Continuation of the criminal proceeding, therefore, would amount to an exercise in futility and would serve neither the cause of justice nor any legitimate prosecutorial purpose.
15. Accordingly, in exercise of the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), and with a view to securing the ends of justice as well as preventing abuse of the process of the Court, this Court deems it fit and proper to quash the entire criminal proceeding initiated against the Petitioner in C.T. (Sessions) Case No.111 of 2025, arising out of Kuakhia P.S. Case No.307 of 2025, pending in the court of the learned A.D.J., Jajpur. The said proceeding stands quashed accordingly. Accordingly, the CRLMC stands allowed and disposed of.



Signature Not Verified

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Signed by: BHABAGRAHI JHANKAR  
Reason: Authentication  
Location: ORISSA HIGH COURT,  
CUTTACK  
Date: 30-Jun-2026 16:49:58

**16.** Pending application (s), if any, shall stand disposed of.

**( Dr. Sanjeeb K Panigrahi )**  
**Judge**

*B.Jhankar*