IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 882 of 2026

Soumya Ranjan Bijay Kumar Patra
& Another ..…….. ***Petitioner(s)***

Mr. Bhabani Shankar Pradhan, Adv.

-Versus-

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

Mr. Sonak Mishra, ASC
Mr. Gangadhar Samal, Adv.
(for O.P.2)

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
09.04.2026

Order No.

03.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioners have filed this CRLMC with a prayer to quash the criminal proceeding initiated against them in Aul P.S. Case No.238 of 2021, corresponding to G.R. Case No.238 of 2021, pending before the learned J.M.F.C., Aul.
4. Learned counsel for the respective parties submit that, in the interregnum, the dispute between the parties has been amicably settled. In support thereof, a joint affidavit dated 30.01.2026 has been filed by both the parties.

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5. The relevant portion of the joint affidavit filed by the parties is extracted hereunder:

"xxx xxx xxx

"1. That due to intervention of well-wishers from the both sides, we have reconciled the ill feelings and disputes among us. Accordingly, we have decided not to proceed with the respective cases pending before different courts including the present criminal proceeding which is sought to be quashed.

2. That in terms of amicable settlement arrived between us, it has been agreed upon to pay Rs.11,50,000 (eleven lakhs fifty thousand) in shape of bank draft in favor of opposite party No. 2 towards permanent alimony and consequentially the execution proceeding vide Civil Execution ease No. 68 of 2024 pending before the learned Judge, Family Court II, Bhubaneswar, the DV proceeding vide CMC No. 625 of 2021 pending before the learned SDJM, Bhubaneswar and the present criminal proceeding pending before the learned JMFC, Aul will be withdrawn by opposite party no.2 and/or file appropriate affidavit for quashing of the same before this Hon'ble Court. Similarly the petitioner No. 1 will take step for withdrawal of CMA No. 07 of 2025 pending before the learned Judge, Family Court II, Bhubaneswar.

3. That in view of the above amicable settlement, the petitioners file herewith the Bank Draft No.004588 dated 05.03.2026 drawn on Axis Bank Ltd. in favour of the opposite party No.2 namely Anuradha Khuntia for an amount of Rs.l 1,50,000/- (Rupees Eleven Lakh Fifty Thousand only) before this Hon'ble Court towards permanent alimony of the opposite party No.2. It is humbly submitted that since the opposite party No.2 is maintaining account in the name of Anuradhan Khuntia, daughter of Srinnibas Khuntia, the present draft has been prepared in the name of Anuradha Khuntia. Further, we are filing the present joint affidavit for quashing of the Criminal Proceeding i.e., G.R. Case No.238 of 2021, corresponding to Aul P.S. Case No. 121 of 2021 pending before the learned JMFC, Aul. As per agreed terms, we will produce the present joint affidavit before the learned Judge, Family Court 11, Bhubaneswar for withdrawal of Civil Execution case No. 68 of 2024 filed by the opposite party no.2 and CMA No. 07 of 2025 filed by the petitioner no.l. Similarly, the opposite party no.2 will also produce the present joint affidavit before the learned SDJM, Bhubaneswar for withdrawal of CMC No. 625 of 2021 filed under section 12 of PWDV Act.

4. That since the matter has already been settled between us amicably, I, opposite party no.2 does not want to proceed with the case. In view of the

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above, for the ends of justice as well as to prevent the abuse of process of law, the criminal proceeding i.e., G.R. Case No.238 of 2021, corresponding to Aul P.S. Case No. 121 of 2021 pending before the learned JMFC, Aul may be quashed against the petitioners in its entirety by exercising the inherent power of this Hon'ble Court."

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

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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 the 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*

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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."

10. Similar view was taken by the Supreme Court in the case ***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 criminal proceeding in Aul P.S. Case No. 121 of 2021 is hereby quashed. Consequently, the entire criminal proceeding arising therefrom, i.e., G.R. Case No.238 of 2021 pending before the learned J.M.F.C., Aul, also stands quashed.

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13.Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

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