IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1412 of 2026
CNR No. ODHC010290582026

Samir Kumar Swain …. ***Petitioner(s)***
Mr. L.K. Maharana, Advocate

-versus-

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

Mr. U.R. Jena, AGa

Mr. S.K. Bhanjdeo, Advocate (O.P.2)

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER
06.11.2026

Order No.

05. 1. Heard.

2. The petitioner by invoking inherent jurisdiction of this Court under Section 528 BNSS is seeking quashing of the entire criminal prosecution pending before the learned SDJM, Khurda in ICC Case No. 105 of 2024 for alleged commission of offence under sections 333/296/76/318/351(2)/3(5) of the BNS.

3. The matter was taken up on 25.06.2026 and the following order was passed:-

> *"1. This matter is taken up through hybrid arrangement.*

2. After hearing the learned counsel appearing for the respective parties and on considering the submissions advanced, this Court deems it appropriate and expedient, in the interest of justice, to refer the matter to the Orissa High Court Mediation Centre for exploring the possibility of an amicable settlement between the parties.

3. The parties are directed to appear before the said Mediation Centre on a date to be fixed by the Centre. The learned Mediator shall make all endeavours to facilitate an amicable settlement between the parties in accordance with law and the applicable Mediation Rules.

4. The parties shall extend full cooperation to the mediation proceedings and shall remain personally present before the learned Mediator, if so directed, for effective resolution of the dispute.

5. The Registry is directed to forthwith transmit a copy of this order along with such pleadings and documents as may be required to the Mediation Centre to facilitate commencement of the mediation process without delay.

6. List this matter on 29th July, 2026, awaiting the mediation report."

4. Pursuant to the aforementioned order, the petitioner and opposite party no.2 participated in the mediation proceeding before the High Court Mediation Centre. The mediation became successful and the parties have arrived at a settlement. The mediation report, reads as under:-

"*Mediation Report*

17.08.2026

"Pursuant to the order of the Hon'ble High Court dtd.25.06.2026 passed in CRLMC Case No.1412 of 2026, the mediation was held between the parties on dtd. 14.07.2026, 31.07.2026,

07.08.2026, 13.08.2026 and today i.e. on 17.08.2026.

Both the parties along with their respective counsel are present today at High Court of Orissa, Mediation Centre, Aain Seva Bhawan, Cuttack.

Both parties have filed a joint memorandum of settlement to resolve their dispute

Now their dispute has been resolved.

Hence, the Mediation became "Successful".

Office of the Mediation Centre is requested to submit this Report along with affidavit filed by both the parties before the Hon'ble Court for kind perusal and orders.

Free copy of this order be provided to both the parties."

5. The Mediator has filed the report enumerating the terms of settlement. On the basis of the settlement arrived at between the parties before the High Court Mediation Centre, learned counsel for the petitioner is seeking quashing of the entire criminal prosecution initiated by the opposite party no.2.

6. The petitioner and the informant-opposite party no.2 are present in Court and they have been identified by their lawyers. Both the parties undertakes to comply the terms of settlement as enumerated in the mediation report dated 17.08.2026, which is form part of this order.

7. Learned counsel for the State submits that since the parties have already settled their dispute amicably, there is no legal impediment to quash the proceeding.

8. Regard being had to the aforementioned, since the parties have settled the dispute before the High Court Mediation Centre, I am inclined to allow the present petition. Further, continuation of the present proceeding will not inure to the benefit to either parties and, therefore, in this circumstance subjecting the petitioner to rigors of the trial is destined to be futile exercise. Hence, the present case is directly covered by the judgment of the Hon'ble Supreme Court in the cases of ***Gian Singh vs. State of Punjab and another*** reported in ***2012 (10) SCC 303*** and ***B.S. Joshi & others vs. State of Haryana & another*** reported in ***(2003) 4 SCC 675***.

9. Accordingly, the entire criminal prosecution in ICC Case No. 105 of 2024 pending in the court of learned SDJM, Khurda and consequential proceedings arising therefrom stands quashed.

10. The CRLMC is disposed of.

Ashok

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 12-Nov-2026 11:02:55

(S.S. Mishra)
Judge