IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2103 of 2025

Cheruku Dayanand & Anr. **....** ***Petitioner(s)***

Mr. Swastik Mohanty, Adv.

-versus-

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

Mr. Debasish Nayak, AGA
Mr. Sidhartha Mishra, Adv. (for O.P. No.2)

CORAM:
HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
07.04.2026

Order No.
05.

1. This matter is taken up through hybrid arrangement.

2. Heard learned counsel for the parties.

3. By filing the present CRLMC, the Petitioners have prayed for quashing the entire criminal proceedings initiated against them vide Thelkoli P.S. Case No.264 of 2024, corresponding to Special G.R. Case No.32 of 2024, pending before the learned Sessions Judge-cum- Judge, Special Court, Sambalpur.

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Designation: Senior Stenographer
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Location: HIGH COURT OF ORISSA, CUTTACK
Date: 08-Apr-2026 12:24:24

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 30.03.2026 has been filed, which is on record.

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

"xxx xxx xxx

"2. That, as due to some misunderstanding and because of some dispute at the Dharanas place on 20.09.2024, the F.I.R. was given making allegation against the accused persons who are the officers of NLC India Ltd., which is a Govt. of India Enterprise. But after subsequent discussion as well as interference of local gentries including well-wishers, the dispute between the parties has been settled amongst them and the informant does not want to proceed further against the accused persons in the criminal proceedings.

3. That, as per the settlement between the parties, both the parties came to a conclusion to swear an affidavit in order to close the case permanently and will never raise any dispute to this in future in any manner what so ever and this affidavit is sworn without any coercion or pressure from any side."

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 he does not wish to proceed further with the criminal case. As per the settlement between the parties, both the parties came to a conclusion to swear the joint affidavit in order to close the case permanently and will never raise any dispute to this in future in any manner whatsoever. 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 informant, 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. Consequently and looking to the decision of the Supreme Court in ***Gian Singh v. State of Punjab***[1], which has referred to a number of matters for the proposition that even a non-compoundable offence

[1] (2012) 10 SCC 303

can also be quashed on the basis of a settlement between the offender and the victim, if the circumstances so warrant; by observing as under:

> *"58…....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*."

10. Similarly, in ***Narinder Singh & Ors. v.State of Punjab & Anr.***[2] where the Supreme Court held as follows:-

> *"31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

[2] Decided in Criminal Appeal No.686 of 2014 on 27.03.2014

(i) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

(ii) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

(iii) Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(iv) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family

disputes should be quashed when the parties have resolved their entire disputes among themselves.

(v) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

(vi) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement

between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

(vii) *While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and*

conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

11. In the recent case of ***Madduri Gangaraju @ Babu Rao vs. Madduri Sunanda & Ors.***[3], the Supreme Court further clarified on the above proposition of law by stating that:

"***17****. In the considered opinion of this Court, the power under Article 142 must be invoked to advance the cause of complete justice in matters of this nature.* ***Once the parties have genuinely settled all their differences amicably, the continuation of criminal proceedings between the parties serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer alive****. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to uphold fairness and bring quietus to personal disputes that have run their course.*"

(emphasis added)

12. In view of the foregoing discussions, this Court is the considered opinion that these matters deserve to be given a quietus at this stage itself since the parties concerned have settled the matter amongst themselves and are no longer inclined to support the prosecution in respect of their respective FIRs, thereby diminishing the chances of its success.

[3] 2025 SCC OnLine SC 1746

13. In view of the foregoing discussions, the application is allowed. Accordingly, the F.I.R. vide Thelkoli P.S. Case No.264 of 2024, corresponding to Special G.R. Case No.32 of 2024, pending before the learned Sessions Judge-cum- Judge, Special Court, Sambalpur stand quashed.

14. This CRLMC is, accordingly, disposed of.

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

16. Issue urgent certified copy of this order as per Rules.

17. A copy of this order be communicated to the learned trial Court for information.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun