IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2852 of 2026
CNR No. ODHC010609802026

Smruti Ranjan Parida & Others ..... ***Petitioners***

Represented by Adv. - Arjuna Charana Behera

-versus-

State Of Odisha & Another ..... ***Opp. Parties***

Represented by Adv. –Mr. J. Nayak, AGA
Sanjay Kumar Parida

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **05.11.2026**

02. 1. At the instance of opposite party No.2, the F.I.R. in connection with Bisoi P.S. Case No.238 of 2023, came to be registered. The allegation in the F.I.R. is as under:-

> *"Opposite Party No.2/informant lodged a complaint before the Bisoi Police Station alleging, inter alia, that on 23.12.2023, he made a telephone call to mobile No.9556923469. The person receiving the call provided him with a PhonePe number, i.e., 7077366332, for transferring a sum of Rs.36,000/-. Accordingly, the informant transferred the said amount to the aforesaid PhonePe number on 24.12.2023. When the informant subsequently tried to contact the person through the first mobile number, the same was found switched off. Suspecting some foul play, the informant again contacted the person through the mobile number linked to the PhonePe account to which the amount had been transferred and requested him to return the money. However, the person did not accede to his request. On 25.12.2023, the said person informed the informant that four persons had approached him and taken away a sum of Rs.36,000/- in the name of the informant. Consequently, the informant lodged a*

complaint before the Bisoi Police Station on 25.12.2023, on the basis of which an F.I.R. was registered against unknown persons."

2. Mr. S.K. Parida, learned counsel entered appearance for the Opp. Party No.2.

3. The parties have settled their dispute and on the basis of settlement, the petitioner have approached this Court seeking quashing of the Bisoi P.S. Case No.238 of 2023 and all consequential proceedings arising therefrom initiated against them.

4. The Opp. Party No.2 has filed an affidavit before this Court, inter alia, stating as under:-

"2.That I have gone through the contents of the petition filed by the petitioners and understood the same. Then I instructed to my advocate to file this affidavit as the petitioners have approached this Hon'ble Court for quashing of the F.I.R.

3. That it is submitted that the informant / Opp. party No. 2 lodged the complaint by alleging therein that he has lost a sum of Rs.36,000/- in a online fraud case, in where the informant - opp. party No.2 lodged the complaint and the I.O. of the case detected the petitioners and the petitioners have also admitted about the loss of amount of Rs.36,000/-. The petitioners also paid Rs.36,000/- to the informant-Opp. party No. 2 and the said informant / Opp. party NO. 2 also received a sum of Rs36,000/- for his financial loss and mental agony. The petitioners paid total Rs.36,000/- to the informant / opp party No. 2 in which they made an agreement and the informant / opp. party No. 2 is not willing to proceed with the case against the petitioners.

4. That though the I.O. of the case also assured to the parties to make the case final form and submit the same before the learned court below as the matter amicably settled among the parties. But the I.O. submitted the charge sheet against the petitioners and the learned court below took cognizance for the aforesaid offences and issued notice to the petitioners for their appearance.

5. That it is submitted that the petitioners have approached this Hon'ble Court for quashing of F.I.R./Criminal proceeding against them as the matter has settled among themselves amicably. Though the informant / opp. Party No. 2 has received his lost amount so he is not willing to proceed with the case.

6. That it is submitted that this Hon'ble Court may be pleased to quash the F.I.R. bearing Bisoi PS case No. 238 dtd. 25.12.2023 corresponding to C.T. Case NO. 1594 of 2023 pending in the court of the learned S.D.J.M. Rairangpur as the matter has resolved among the parties and the informant / opp. party No. 2 is not willing to proceed with the case."

5. Learned counsel appearing for the Opp. Party No.2 submits that the Opp. Party No.2 has received an amount of Rs.36,000/- which is the disputed amount.

6. Regard being had to the allegations made by the informant/opposite party no.2 against the petitioners and more particularly, the fact that the parties have settled their dispute and the informant has categorically expressed his unwillingness to pursue the criminal proceeding any further, 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 petitioners to rigors of the trial is destined to be futile exercise. The case of the petitioners 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***.

7. Accordingly, the entire criminal prosecution in connection with F.I.R. in Bisoi P.S. Case No.238 of 2023 corresponding to C.T. Case No.1594 of 2023 pending in the Court of learned S.D.J.M, Rairangpur stands quashed.

8. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Rati Ranjan

Signature Not Verified
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Signed by: RATI RANJAN NAYAK
Reason: Authentication
Location: OHC
Date: 06-Nov-2026 17:47:28