IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3670 of 2025
CNR No. ODHC010648352025

Ashis Kumar Jena …. ***Petitioner(s)***
Mr. Pratik Dash, Advocate

-versus-

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

Mr. Jateswar Nayak, AGA

Ms. Satabdi Samantray, Advocate (O.P.2)

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **18.11.2026**

08. 1. At the instance of the opposite party No.2, the F.I.R. in Bhadrak Town P.S. Case No. 297 of 2025 came to be registered against the petitioner corresponding to G.R. Case No. 1135 of 2025, pending in the court of the learned SDJM, Bhadrak for the alleged commission of offence under Sections 69/296/351(3) of BNS.

2. The allegation against the petitioner, as per the FIR, is that on 21.05.2025 informant Itishree Bag D/o Duryodhan Bag of Village Purunabast Jharasuguda PS-Jharasuguda Dist -Jharasuguda filed a written report alleging therein that the present petitioner giving false

assurance of marriage keeping sexual relation with her. Thereafter, the petitioner refused to marry her and abused in obscene languages and threatened for with dire consequence. Hence she reported at the police station for legal action.

3. The petitioner moved ABLAPL No. 6535 of 2025 seeking anticipatory bail in the aforementioned FIR. While granting interim bail to the petitioner, the parties are relegated to the High Court Mediation Centre for exploring the possibility of settlement. Subsequent thereto, it appears that the parties have appeared before the High Court Mediation Centre and the mediation became successful.

4. On the basis of the settlement, the petitioner is seeking quashing of the entire criminal prosecution initiated against him by the opposite party no.2 and prays that the prosecution lunched by opposite party no.2 may be put to quietus.

5. The present matter was taken up for hearing on 18.11.2025 and the Coordinate Bench of this Court passed the following orders:-

> *3. Pursuant to the order passed by this Court the victim appeared before this Court through virtual mode by remaining present in Jharsuguda Town Police Station, on being identified by the officers present at the Police*

Station. The victim stated before this Court that she appeared before the mediation centre pursuant to the order passed by this Court and that she participated in the mediation proceeding and finally she has decided not to proceed further in the present criminal case and the matter has been amicably settled between the accused-petitioner and the victim. She further submitted that she has sworn the affidavit before the Oath Commissioner of this Court on 12.09.2025, which is already on record. She further contended that she is ready and willing to record her statement under Section 164 Cr.P.C. as per the direction given by this Court.

4. Taking into consideration the aforesaid amicable settlement of the dispute between the Parties, the victim is directed to approach the public prosecutor for recording her statement under Section 164 Cr.P.C/183 of BNSS. On such eventuality, the P.P. shall take early step for recording of her statement by the learned Magistrate. A copy of such statement be forwarded to this Court by next date."

6. Pursuant to the aforementioned order, the statement of the victim has been recorded under Section 183 BNSS by the learned SDJM, Bhubaneswar on 28.09.2025, which has been kept in sealed cover and placed before this Court. Perusal of the statement of the victim/opposite party no.2 indicates that the victim has specifically stated that she had filed the case against the petitioner and participated in the mediation process and the mediation came to be successful. She has also stated that she has filed joint affidavit before this Court

enumerating therein the terms of settlement.

The statement of the victim recorded under Section 183 BNSS by the Magistrate be re-sealed.

7. The joint affidavit filed by the parties on 12.09.2025, inter alia, stating as under:-

> *"3. In course of the Mediation Proceedings, we have both amicably settled the differences and dispute has been resolved to their mutual satisfaction before the Learned Mediator.*
>
> *4. We agree and hereby state that we have reached the settlement voluntarily without any coercion, undue influence and without any threat. The settlement is effectuated by us after full and fair discussion before the Learned Mediator.*
>
> *5. We recognize that the compromise and amicable settlement serves the interest of justice, promote social harmony and reduce unnecessary litigation and mental agony to both of us.*
>
> *6. We, The deponents affirm that the settlement is made in good faith, with no malice or ulterior motives and with sincere attention to abide by the terms.*
>
> *7. Deponent No.2 hereby declares that there are no ongoing grievances, claims, allegations against the Deponent No.1. Deponent No.,2 also agrees to discontinue all legal proceedings related to the matter, on her own will.*
>
> *8. Deponent No.2 also declares and states that she would have no objection in the present CRLMC vide CRLMC No.3670 of 2025 and she has no objection in the event of the criminal*

proceedings pertaining to Bhadrak Town P.S. Case No. 297 of 2025 corresponding to GR Case no. 1135 of 2025 pending in the Court of Learned SDJM, Bhadrak, against the Deponent No.1/Petitioner, is quashed. Deponent No.1 further states and declares that he would not have any counter claims/counter allegations against Deponent No.2. Deponent No.2 further undertakes that she would appear and depose the contents of this affidavit, in the event of her appearance being fixed by this Hon'ble Court in the present proceedings.

9. We, undertake that we shall not threaten, intimidate or harass each other in any manner in future. We agree to maintain peace and harmony and refrain from any conduct that could lead to further dispute or disturbances. That we are stating we will not encroach into each other's private space in future

10. We further state that neither of us, shall lodge any case, compliant or legal action against each other in relation to the present matter.

11. In consideration of the compromise, and amicable settlement, both parties release and discharge each other from all claims, demands, and liabilities related to the dispute that existed prior to this affidavit.

12. We have filed this affidavit on our own will and without any influence and coercion, from any one.

13. We have filed this affidavit in the interest of justice and we have read, understood the contents of this affidavit. After having understood the contents of this affidavit, we have affixed our signatures and executed the same.

14. The facts sated above are true to the best of our knowledge and belief and we swear this joint affidavit to produce the same before this Hon'ble

Court in the present CRLMC No. 3670 of 2025 (I.e. application under Section 528 of BNSS, 2023), in ABLAPL No.6535 Of 2025 as well before the Learned Mediator in support of the compromise arrived between us.

8. Today, neither the petitioner nor the opposite party no.2/victim are present in Court. Learned counsel for the parties by drawing attention of this Court to the order dated 18.11.2025 submit that the Coordinate Bench of this Court has already dispensed with the personal appearance of the parties. Hence, the petitioner and opposite party no.2 are not present.

9. Learned counsel for the State submits that since the petitioner and opposite party no.2/victim have already settled the dispute and filed joint affidavit before this Court, there is no legal impediment to quash the proceeding.

10. Regard being had to the allegation made by the informant/opposite party no.2 against the petitioner and the fact that they have settled the dispute and filed joint affidavit before this Court, 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. The case of the petitioner 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***.

11. Accordingly, the entire criminal prosecution in connection with F.I.R. in Bhadrak Town P.S. Case No. 297 of 2025 corresponding to G.R. Case No. 1135 of 2025, pending in the court of the learned SDJM, Bhadrak and consequential proceedings arising therefrom stands quashed.

12. The CRLMC is disposed of.

Ashok

(S.S. Mishra)
Judge

Signature Not Verified
Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 19-Nov-2026 19:57:31