IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1389 of 2026
CNR No. ODHC010656822026

Laxmipriya Swain & Others **.....** ***Petitioners***

Represented by Adv.
- Amitav Tripathy

-versus-

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

Represented by Adv.
– J. Nayak, AGA
Mr. S.K. Sethi, Adv.
(for the informant)

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

ORDER

Order No. **04.11.2026**

03. 1. At the instance of opposite party No.2, the F.I.R. in connection with Nuagaon P.S. Case No.195 of 2025, corresponding to G.R. Case No.1045 of 2025, came to be registered against the petitioners. Upon completion of investigation, charge-sheet was submitted in the case, whereupon the learned S.D.J.M., Nayagarh, vide order dated 04.06.2026 took cognizance of the offences alleged to have been committed by the petitioners punishable under Sections 61(2), 126(2), 296, 115(2), 109, 308(5), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the B.N.S.).

2. The petitioners are seeking quashing of the entire criminal proceeding on the ground that the dispute has been settled between the parties.

Mr. S.K. Sethi, learned counsel has filed his Vakalatnama and entered appearance on behalf of the informant-Opp. Party No.2. The informant has also filed an affidavit in support of the settlement. Opposite party No.2 is personally present in Court and has been identified by his learned counsel. He has also filed a self-attested copy of his Aadhaar Card in proof of his identity, which is taken on record.

3. On being queried by the Court, opposite party No.2 submitted that the incident occurred due to some misunderstanding between the parties and the petitioners had physically assaulted him. He further submitted that he had sustained only simple injuries, which is also borne out by the medical report.

4. Petitioner No.1 is personally present in Court, whereas petitioner Nos.2 and 3 are not present. Mr. Tripathy, learned counsel appearing for the petitioners submitted that due to unavoidable difficulties petitioner Nos.2 and 3 could not to remain present in Court and, accordingly, prayed for their exemption from personal appearance. The application seeking such exemption is taken on record. For the reasons stated therein, the prayer for exemption of petitioner Nos.2 and 3 from personal appearance is allowed. So far as petitioner No.1 is concerned, she has been identified by her learned counsel. She has also filed a self-attested copy of her Aadhaar Card in proof of her identity, which is taken on record.

5. The informant has filed an affidavit, inter alia, stating as under:-

> *"2. That it is respectfully submitted that since the matter has arleady been settled between the parties, I don't want to proceed with the case any further.*
>
> *3. That it is respectfully submitted here that with the intervention of the gentlemen the matter has already been compromised and to make peace I am not interested to proceed with the case.*
>
> *4. That it is respectfully submitted here that in the facts and circumstances of the present case this deponent does not want to proceed further in the aforesaid case against the present petitioners and I have no objection, if your Lordship allow the CRLMP application filed by the present petitioners.*
>
> *5. That the facts stated herein above are true to the best of my knowledge and belief."*

6. Learned counsel appearing for the State submits that, in view of the settlement arrived at between the parties and the affidavit filed by the informant expressing his unwillingness to proceed with the case, there would be no impediment in quashing the criminal proceeding.

7. 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***.

8. Accordingly, the entire criminal prosecution in connection with F.I.R. in Nuagaon P.S. Case No. 195 of 2025 corresponding to G.R. Case No.1045 of 2025, pending in the court of the learned S.D.J.M, Nayagarh including the order dated 04.06.2026 taking cognizance and all consequential proceedings arising therefrom, stands quashed, subject to each of the petitioners paying a cost of Rs.5,000/- (Rupees five thousand only) to opposite party No.2.

9. The CRLMP 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: 05-Nov-2026 21:07:57