IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3817 of 2026

CNR No. ODHC010794362026

Bhagaban Das .... ***Petitioner(s)***

Mr. Jitendra Samantaray, Advocate
On behalf of Mr. Sibaranjan Polai, Advocate

-versus-

State of Odisha and another .... ***Opposite Party(s)***

Mr. Aurobinda Mohanty, ASC
Mr. Sudhansu Sekhar Dash, Advocate
(for opposite party No.2)

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
29.10.2026

Order No.

02. **1.** Heard.

2. At the instance of the informant/opposite party No.2, the F.I.R. dated 22.08.2026 in Chhatrapur P.S. Case No.386 of 2026 came to be registered against the petitioner for the alleged commission of offences punishable under Sections 308(7)/318(4)of B.N.S., 2023 and Section 66(D) of the Information Technology Act, 2000.

3. In the present petition, the petitioner is seeking quashing of the entire criminal proceeding in connection with Chhatrapur P.S. Case No.386 of 2026 corresponding to G.R. Case No.991 of 2026 pending in the Court of the learned S.D.J.M., Chatrapur, Ganjam

and the consequential proceeding arising therefrom on the ground of settlement.

4. The prosecution case, in brief, is that on 22.08.2026 at about 2:55 P.M., the complainant-opposite party No.2 appeared at the Police Station and lodged a written report, inter alia, alleging that on 15.08.2026, he approached Bhagaban Das, the petitioner herein, who is associated with Kanak News, seeking his assistance in connection with OEN Case No. 543/26. The petitioner allegedly told the complainant that no one helps anyone without money and asked him to transfer a sum of Rs.15,000/- online, assuring him that the said amount would be paid to the Superintendent of Police (S.P.) and Rambha Police Station to secure the release of his father. As the complainant belonged to a poor family, he somehow arranged the amount and transferred Rs.15,000/- to the petitioner online on 15.08.2026 at about 7:37 P.M. Subsequently, after his father was released, the complainant allegedly came to know that the petitioner had misappropriated the money and had made false assurances. When the complainant demanded the return of the amount, the petitioner allegedly refused to refund the same and threatened to implicate him in a false rape case and to send his father to jail. The petitioner further allegedly threatened the complainant

over the phone, stating that he would kill him. On the basis of the aforesaid allegations, the F.I.R. was lodged.

5. The petitioner and the opposite party No.2 are present in Court and being represented and identified by their respective counsels. They have also filed self-attested copies of their Aadhaar Cards to establish their identity, which are taken on record.

6. The petitioner and the informant/opposite party No.2 have filed joint affidavit dated 29.10.2026, inter alia, stating that they have amicably settled the dispute. For the sake of convenience and ready reference, the relevant portion of the joint affidavit is extracted hereinbelow:-

> "3. That during the pendency of the above noted G.R. Case, the dispute between the Opp. Party No.2 and the Petitioner/Accused person has been amicably settled out of Court, with the intervention of local gentries and well-wishers. Due to such settlement and in order to maintain the future peace among the parties, the Opp. Party No.2 expresses his unwillingness to proceed further in the case.
> 4. That, in view of such amicable settlement, the Opp. party No.2/Informant does not want to proceed the aforesaid criminal case further as against the present petitioner. It is relevant to submit herewith that the present case has been foisted against the Opp. Party No.2 due to political misunderstanding and as the case relates monetary transaction the Opp. Party No.2 have already received the disputed amount from the petitioner.
> 5. That, if Opp.Party No.2/Informant has no objection, if the criminal proceeding/F.I.R. made against the present Petitioner may be quashed by this Hon'ble Court in the above Criminal Miscellaneous Application.

6. That it is also submitted here that, in event of continuance of the present proceeding there is every chance/possibility of ill-feeling among the parties to which neither the Opp. Party No.2 nor the petitioner intending for."

7. On query from the Court, the opposite party No.2, who is present in Court submits that, on the intervention of local gentries and well-wishers, he has amicably settled the dispute with the petitioner. He further submits that he has already received the disputed amount from the petitioner and, therefore, does not want to proceed further with the case against the petitioner.

8. Mr. Mohanty, learned Additional Standing Counsel appearing for the State submits that the dispute arises out of a monetary transaction between the petitioner and opposite party No.2. Since the petitioner has already repaid the disputed amount to opposite party No.2 and the parties have amicably settled their dispute and to that effect they have filed joint affidavit, this Court may give indulgence in the present matter as there is no legal impediment.

9. Regard being had to the submission of the parties and the fact that the parties have settled their dispute and keeping in view 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***, I am of the considered view that subjecting the petitioner

to the rigors of the trial would be a futile exercise. Therefore, the petition deserves merit.

10. Accordingly, the criminal proceeding in connection with Chhatrapur P.S. Case No.386 of 2026 corresponding to G.R. Case No.991 of 2026 pending in the Court of the learned S.D.J.M., Chatrapur, Ganjam and the consequential proceedings arising therefrom qua the petitioner is quashed.

11. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified
Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 30-Oct-2026 19:47:18