IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.4106 of 2026
CNR No. ODHC010868792026

Mahadev Yadav **.....** ***Petitioner***

Represented By Adv.
- Harekrushna Dash

-Versus-

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

Represented By Adv. -
Sudhir Kumar Sahoo,
J. Nayak, AGA

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

ORDER

Order No. **16.11.2026**

01. 1. The petitioner has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking to quash the entire criminal proceedings arising out of Baranga P.S. Case No.167 of 2026 dated 09.04.2026, corresponding to G.R. Case No.574 of 2026, pending in the Court of the learned ACJ-cum-J.M.F.C.-II (Cognizance Taking), Cuttack, which was registered at the instance of opposite party No.2 for commission of offences punishable under Sections 296, 115(2), 126(2) & 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) against the petitioner.

2. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for Opposite Party No. 2. Both the Petitioner and Opposite Party No. 2

are present in Court today and have been duly identified by their respective counsels. The parties have also filed their self-attested copies of their Aadhaar Cards.

3. As per the report dated 16.11.2026 submitted by the IIC, Baranga Police Station, Opposite Party No. 2 lodged four criminal cases against the Petitioner within five months arising out of personal differences while he was staying at her house. The petitioner has approached this Court seeking quashing of all the four separate cases instituted against him by the Opp. Party No.2 by filing four separate CRLMCs. All the four CRLMCs listed today and disposed of by separate orders.

The aforesaid report of the IIC, Baranga P.S. is read as follows:

> *"i. Baranga PS Case no 167/26 dt. 09.04.2026 U/s 296/115(2)/126(2)/351(2) BNS was charge sheeted vide Baranga PS CS No 185 dt.22.04.2026 U/s 296/115(2)/126(2)/351(2) BNS against the accused namely Mahadev Yadav S/o- Sriram Yadav.*
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> *ii. Baranga PS Case no 125/26 dt. 18.03.2026 U/s 296/115(2)/126(2)/351(2)/304(2) BNS was charge sheeted vide Baranga PS CS No 151 dt.30.03.2026 U/s 296/115(2)/126(2)/351(2)/304(2) BNS against the accused namely Mahadev Yadav S/o- Sriram Yadav.*
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> *iii. Baranga PS Case no 276/26 dt. 31.05.2026 U/s 126(2)/296/115(2)/303(2)/351(2)/3(5) BNS was charge sheeted vide Baranga PS CS No 375 dt.03.09.2026 U/s 126(2)/296/115(2)/303(2)/351(2)/3(5) BNS against the accused persons namely Mahadev Yadav S/o- Sriram Yadav & Phatodevi Yadav W/o- Mahadev Yadav.*

iv. Baranga PS Case no 370/26 dt. 27.07.2026 U/s 296/126(2)/115(2)/351(3)/316(2)/69 BNS was registered on the written report of Kabita Bagela W/o- Harichandan Bagela of Naraj PS- Baranga, Kataka and the investigation of the case has been entrusted to SI S. A. Pany of Baranga PS and the case is now under investigation."

4. Both parties are relatives and have now amicably resolved all their disputes with the intervention of local elders and well-wishers. A joint settlement affidavit sworn before the Executive Magistrate has been placed on record (Annexure-2 to the petition). In the affidavit, Opposite Party No.2 states that the FIRs were filed due to misunderstandings, she has received the disputed amount, and she has no objection if the proceedings are quashed. The said joint affidavit, *inter alia*, reads as follows:

"*1. That Sri Mahadev Yadav was residing in my house and during the period of his stay, due to certain misunderstanding, personal differences and some unpleasant circumstances between us, I became aggrieved and lodged the aforesaid FIRs before the Baranga Police Station. I state that the aforesaid criminal cases arose out of such personal differences, misunderstandings and circumstances prevailing between us at the relevant point of time.*

2. That subsequently, the local respectable persons, elderly persons, well-wishers and gentlemen of our locality intervened in the matter and made sincere efforts to resolve our differences and restore peace and cordiality between us. Pursuant to their intervention and advice, we discussed the matter and voluntarily resolved our differences and misunderstandings.

3. That I state that the matter has now been amicably settled between me and Sri Mahadev Yadav. All our differences and misunderstandings have been resolved, and there is no longer any dispute, hostility or ill-feeling between us. We have restored our cordial relationship and are presently living peacefully and harmoniously.

4. That I have no surviving personal grievance against Sri Mahadev Yadav in respect of the disputes and unpleasant incidents which had resulted in lodging of the aforesaid FIRs. I do not desire to continue any personal dispute or hostility with him and sincerely wish that the peace, harmony and cordiality presently prevailing between us may continue in future.

5. That I voluntarily state that I have no objection whatsoever if Sri Mahadev Yadav places this Joint Affidavit before the Hon'ble High Court of Orissa at Cuttack and seeks appropriate relief in accordance with law in respect of the aforesaid criminal cases and the proceedings arising therefrom. I further state that the aforesaid settlement has been arrived at by me voluntarily and out of my own free will and consent, without any force, threat, coercion, undue influence, pressure or inducement from any person.

6. That I am making this statement voluntarily, after fully understanding the contents and consequences of this affidavit, and I have no objection to this Joint Affidavit being produced before the Hon'ble High Court of Orissa at Cuttack in the appropriate proceedings. I sincerely desire that, in view of the amicable settlement and restoration of peace and cordiality between us, no further personal dispute or hostility may continue between me and Sri Mahadev

Yadav I do hereby solemnly verify that the statements made in the above noted paragraphs 1 to 6 above are true and correct to the best of my knowledge and belief and that nothing material has been concealed therefrom."

"1. That I state that I was residing in the house of Smt……. at and during the period of my stay, due to certain misunderstandings and differences between us, some unpleasant situations arose, which ultimately resulted in lodging of the aforesaid FIRs by ……..

2. That subsequently, the local respectable persons, elderly persons, well-wishers and gentlemen of the locality intervened and made sincere efforts to resolve the differences between us. Pursuant to their intervention and advice, the matter has been amicably settled between me and ……

3. That I voluntarily accept the settlement arrived at between us and state that all the differences and misunderstandings between us have been resolved. We have restored cordial relations and are presently living peacefully without any hostility or dispute. Further dispute or unpleasant situation with her. I desire to peacefully lead my life and maintain the cordial relationship which has now been restored between us.

4. That I state that the settlement between us is genuine, voluntary and bona fide and has been arrived at out of my own free will and consent. No person has exercised any force, threat, coercion, undue influence, pressure or inducement upon me for accepting the settlement.

5. That I have no objection to the Joint Affidavit being placed before the Hon'ble High Court of Orissa at Cuttack and to Smt. Kabita Bagela bringing the factum

of settlement and her absence of grievance to the notice of the Hon'ble Court in the appropriate proceedings."

5. On being queried by the Court, opposite party No.2 submits that the petitioner is her relative and with the intervention of the local respectable persons, well-wishers and other gentlemen of the locality, they have amicably resolved their disputes. She further submits that the dispute has been amicably settled and the amount in question has already been paid to her by the petitioner. Accordingly, she does not intend to pursue the criminal proceedings any further. She has also expressed her consent to the prayer made by the petitioner for quashing of the entire criminal proceedings initiated at her instance against the petitioner.

6. Learned counsel for the State, on the other hand, submits that the parties are related and in view of the amicable settlement arrived at between them and the categorical stand taken by opposite party No.2 that she does not intend to pursue the criminal proceedings any further, the State has no serious objection to the prayer made by the petitioner for quashing of the criminal proceedings.

7. Since the dispute is purely personal in nature and the parties have willingly settled the matter, 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***.

8. However, having regard to the conduct of opposite party No.2 in repeatedly setting the criminal law in motion against the petitioner on account of personal vendetta and thereafter, seeking to terminate the proceedings on the basis of successive compromises, this Court is of the considered view that such conduct cannot be viewed lightly. The process of criminal law cannot be permitted to be invoked and subsequently withdrawn at the whims of a litigant. Accordingly, while allowing the prayer for quashing of the criminal proceedings, this Court deems it appropriate to impose costs upon opposite party No.2.

9. Accordingly, the entire criminal proceeding in Baranga P.S. Case No.167 of 2026 dated 09.04.2026, corresponding to G.R. Case No.574 of 2026, pending in the Court of the learned ACJ-cum-J.M.F.C.-II (Cognizance Taking), Cuttack stands quashed, subject to Opposite Party No. 2 depositing a cost of Rs.5,000/- (Rupees Five Thousand only) before the Advocate's Welfare Fund, Orissa High Court Bar Association, Cuttack.

10. The CRLMC is disposed of.

(S.S. Mishra)
Judge

Rati Ranjan

Signature Not Verified
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