



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 143 of 2025

***Chandrakanta Dash @ Das and
others***

....

Petitioners

Mr. A.N. Pattanayak, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. S.N. Biswal, ASC
Mr. Kabiraj Pradhan, Advocate

CORAM:

JUSTICE SIBO SANKAR MISHRA

ORDER

16.01.2025

Order No.

01. 1. At the instance of opposite party no.2, F.I.R. No. 351 dated 30.12.2024 came to be registered against the petitioners.
2. The petitioners by invoking inherent jurisdiction of this Court under Section 482 Cr.P.C. are seeking quashing of the F.I.R. in connection with Madhupatna P.S. Case No.351 of 2024, corresponding to G.R. Case No.1343 of 2024 pending in the court of learned JMFC-IV, (Cog.Taking), Cuttack registered for the alleged commission of the offences punishable under Sections 109/115(2)/133/3(5)/324(2) & 351(2) of BNS, 2023.



3. The informant lodged the subject FIR alleging therein that on 28.12.2024 at about 2.00 to 4.00 P.M. five of his son's friends called him in his mobile and asked him to meet them somewhere. When his son reached at Canal Road, one Chandrakanta Das threatened him and stated that he has called him to eliminate him and abused him in slang language. The son of the informant out of fear of life apologized to the petitioners and somehow could escape. However, he got frightened and became unconscious inside the car as he was driving out of fear. The son of the informant was rescued by breaking upon the car. The F.I.R was registered on the basis of said allegation for alleged commission of offences punishable under sections 109/115(2)/133/3(5)/324(2) & 351(2) of BNS, 2023,

4. The petitioners are the students pursuing their graduation course. They have assaulted their classmate and threatened to kill him. The father of the victim has filed the FIR. Investigation in the present case is still going on. At this stage, parties have settled their dispute and entered into a compromise. The father of the victim is present in the Court being represented by his counsel and identified by him. He has also filed the photocopy of his self-attested Aadhaar Card to establish his identity, which is taken on record. On query from the Court, he states that he has lodged the FIR to teach the students a lesson so that in future they would not indulge in such activities. Now the accused students have tendered apology to the informant and,



therefore, he has supported the petitioners in their prayer for quashment of the entire proceeding.

5. The petitioners are also present in Court. They are being represented by their counsel and identified by them. They have also filed the photocopies of their self-attested Aadhaar Cards to establish their identity, which are taken on record.

6. Opposite party no.2, the informant has filed an affidavit dated 16.01.2025 *inter alia* stating as under:-

"2. That I have lodged the FIR against the present petitioners before the Madhupatna Police Station on 28.12.2024 and same was registered vide Madhupatna P.S. Case No. 351 dated 30.12.2024 for the alleged offences sections 109/115(2)/133/ 3(5)/ 324(2) & 351(2) of BNS, 2023 and made allegations against the petitioners who are the friends of my son and out of some frustration, misunderstanding and misconception I have made an allegation against the present petitioners by alleging erroneous allegations and thereafter the matter has been amicably settled between the present petitioners with my son namely Nilesh Biswal along with me for all time to comes.

3. That after the understanding the entire situation about the facts and circumstances of the matters, though the present petitioners are students and I have made the allegations against them with some misunderstanding, I do not want to further proceed with said FIR in connection with Madhupatna P.S. Case No. 351 of 2024 corresponding to G.R. Case No.1343 of 2024 pending in the court of learned JMFC-IV



(Cog.Taking), Cuttack and I have no objection if the above entire criminal proceeding will be quashed by this Hon'ble Court against the present petitioners.

4. That, I have file this affidavit with my conscious and sound mind and without any pressure from any quarter and after fully aware about the matter and understanding the exact facts and circumstances given my consent that if the CRLMC application is allowed by quashing the entire proceeding against the present petitioners by this Hon'ble Court, then I have no objection to that effect."

7. Mr. S.N. Biswal, learned Additional Standing Counsel submits that investigation in the present case is still going on and the allegations are minor in nature. Since the parties have settled their dispute and by appearing before this Court conjointly prayed for quashment of the FIR, there is no legal impediment, hence this Court may give indulgence to quash the entire criminal proceeding.

8. Regard being had to the submissions made by the parties and the fact that the investigation is at the nascent stage and the petitioners are young students pursuing their graduation and keeping in view the judgment of the Hon'ble Supreme Court in the cases of ***Gian Singh v. State of Punjab and another***, reported in ***2012 (10) SCC 303*** and ***B.S. Joshi and others v. State of Haryana and another***, reported in ***(2003) 4 SCC 675***, I am of the considered view that subjecting the petitioners to the rigors



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

9. Accordingly, the criminal proceeding in connection with Madhupatna P.S. Case No.351 of 2024, corresponding to G.R. Case No.1343 of 2024 pending in the court of learned JMFC-IV, (Cog.Taking), Cuttack is quashed subject to the following conditions:

A. All the petitioners shall tender unconditional and unqualified written apologies to the informant, who is the father of the victim and file those written apologies before this court within ten days.

B. The petitioners shall visit Chaudwar Jail, Cuttack within two weeks from today, compile a report regarding the hygiene maintained in the jail premises and suggest positive measures regarding the same. They must furnish their suggestions to the jail superintendent and obtain a certificate from him to be filed before this court within four weeks from today.

The aforementioned conditional order has been issued by this court to sound a note of caution to the petitioners to deter from further indulging them in any such act as alleged in this case. By visiting the jail premises, they need to realize the living condition of the prisoners in the jail, that experience will impel them to come out from the cocoon of their comfort to perceive the hard reality of life, and value human



dignity and nudge into a positive direction and reform themselves into a good citizen.

10. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Ashok

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB
MOHAPATRA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 21-Jan-2025 18:31:07

