



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4880 of 2024

***Sonel Sekhar Nayak and
others***

....

Petitioners

Mr. Jayadeb Behera, Advocate
-versus-

State of Odisha & Anr.

....

Opposite Parties

Mr. U.R. Jena, AGA
Mr. Rakesh Sharma, Advocate (O.P.2)

CORAM:

JUSTICE SIBO SANKAR MISHRA

ORDER

08.01.2025

Order No.

01. 1. The petitioners are seeking to quash the criminal proceeding vide C.T. Case No.497 of 2024 in connection with Bharatpur P.S. Case No.168 of 2024 for the alleged commission of the offences punishable under Sections 294/341/323/324/506/ 34 of the IPC, pending in the file of the learned JMFC (V), Bhubaneswar.
2. The allegation against the petitioners is that on 15.03.2024 complainant Rajesh Chandra Rout filed a written report before the IIC., Bharatpur police station to the effect that some of the senior students cause harm to his son by ragging and threatening with dire



consequences who is a 1st year student of SOA National Institute of Law. He has also made complaint before the DEAN of the University and mentioned the name of the senior students, who were involved in the alleged crime. Hence, the F.I.R.

3. Investigation in the present case is still going on and at this stage, the parties have settled the dispute and filed the affidavits in Court to that effect.

4. The petitioners are pursuing law course in SOA Law University. All the petitioners are present in Court and being represented by respective counsel. Opposite party no.2, the informant, who is father of another student is also present in Court being represented by his counsel and identified by the counsel . They have filed self-attested copies of their Aadhaar card to establish their identity. On the query made by this Court, the informant-opposite party no.2 stated that the parents of the petitioners' have approached him and on the intervention of the well-wishers and parents of the petitioners, the matter has been settled.

5. The petitioners have filed affidavit dated 07.01.2025 stating, *inter alia*, as under:-



“2. That due to some misconception of facts and some disturbance between the son of the informant and the petitioners who are the students of SOA National Institute of Law, the informant who is the father of the victim boy has filed a case against me and others, which was registered as Bharatpur P.S. Case No.168 of 2024 corresponding to C.T. Case No.497 of 2022, lying in the file of learned JMFC (V), Bhubaneswar.

3. That in the meantime the dispute between the parties have already been amicably settled and to that effect a Deed of Compromise was made between the parties on 12.11.2024 and as per compromise both the parties agreed to maintain peace and friendly to each other in future and never misbehave and further neither party shall directly or indirectly create any disturbance to other party and the first party member (informant) shall withdraw the FIR lodged before the Bharatpur Police Station.”

6. The opposite party no.2-informant has also filed an affidavit dated 08.01.2025 stating, *inter alia*, as under:-

“2. That I have lodged an FIR in the Bharatpur Police Station against the present petitioners on 15.03.2024 which was registered as Bharatpur P.S. Case No.168 of 2024 for commission of alleged offences punishable under Sections 294/323/324/34/341/506 of IPC, 1860 corresponding to C.T. Case No.497 of 2024 in the Court of learned JMFC (V), Bhubaneswar.

3. That in the meantime the dispute between the parties have already been amicably settled and to that effect a deed of compromise was made between the parties on 12.11.2024 and as per compromise both the parties agreed to maintain



peace and friendship with each other in future and never misbehave and further neither party shall directly or indirectly create any disturbance to other party and the first party member (informant) shall withdraw the FIR lodged before Bharatpur Police Station. Accordingly, I do not want to proceed further with the case and the said criminal prosecution against the petitioners may be quashed.

4. That in the meantime the well-wishers of both of us took a decision to settle/compromise the dispute between us. Dispute has been settled amicably and we agreed to live happily without any further disturbances. Family members as well as well-wishers of both the parties settled the dispute.

5. That in the facts and circumstances stated above it has become crystal clear that the dispute has already been settled between the parties. No useful purpose will be served by further continuing the aforesaid criminal proceeding against the present petitioners.

6. That it is respectfully submitted that due to intervention of well-wishers of both the parties the dispute has already been resolved and since that date we are residing peacefully. Brotherhood has already been restored between us. Therefore, I do not want to proceed any further in C.T. Case No. 497 of 2024 pending in the court of learned JMFC (V), Bhubaneswar arising out of Bharatpur P.S. Case No. 168 of 2024.”

7. Mr. U.R. Jena, learned Additional Government Advocate submits that the petitioners and the victim are students and due to misunderstanding and sudden provocation, the incident appears to have taken place. But now the petitioners repent on their mischievous



conduct committed by them and apologized to the father of the victim and also filed affidavit before this Court. The allegations are minor in nature and there is no legal impediment for quashing of the FIR.

8. Regard being had to the submissions made by the parties and the fact that the investigation is still going on and the petitioners are young students pursuing their law course 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. The petitioners before this Court are the students of law. The conduct of the petitioners are unbecoming of student of law. A good law student could eventually be a good lawyer that goes beyond the academic achievements. It is expected from a lawyer that besides having legal knowledge he supports the cause of vulnerables, advocates for the justice and become voice for voice less. Upholding high standards of integrity, lawyer not only shapes their professional



career but also set an example as a model citizen. However, in the nascent stage of their career as the law students, the conducts of the petitioners are highly objectionable. Ultimately pursuit of legal education is not just about eventual personal success but about thriving for a course change in the society towards positivity. Therefore, while quashing the criminal case against the petitioners, this Court feels it appropriate to direct the petitioners to volunteer at an orphanage of their choice for a period of one week where they will involve in teaching or conducting any workshop for the children studying in the orphanage. The petitioners shall choose the orphanage and inform about the present order to the head of the orphanage and get a certification from the head of the orphanage after completion of their one week teaching or conducting of work shop. The petitioners are required to furnish the certification of the orphanage head before this Court within a period of four weeks. I hope that the experience will nudge the impressionable youth present before me into a positive direction.

10. Accordingly, the criminal proceeding in connection with Bharatpur P.S. Case No.168 of 2024 corresponding to C.T. Case No.497 of 2024, pending in



the file of the learned JMFC (V), Bhubaneswar is quashed.

11. 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: 09-Jan-2025 17:59:58

