



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No. 5379 of 2025**

Application under Section 482 of the Code of Criminal Procedure, read with Section 528 of the Bharatiya Nagarika Suraksha Sanhita (BNSS), 2023.

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**1. Sarfaraz Khan**

**2. Noor Alam Khan**

**3. Subhasish Pradhan**

.....

***Petitioners***

*-versus-*

**1. State of Orissa**

**2. Pabitra Kumar Mohapatra**

.....

***Opposite Parties***

For Petitioners

: Mr. Mr. Akshaya Kumar  
Subudhi, Advocate

For Opp. Parties

: Mr. S.N. Biswal, ASC  
Mr. Gyana Ranjan Dhal,  
Advocate (For Informant)

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**CORAM:**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**JUDGMENT**

**18.12.2025**

***Savitri Ratho, J.***

In the case of ***M/s. Patil Automation Private Limited vs.***

***Rakheja Engineers Private Limited: 2022 (10) SCC 1***, the

Supreme Court had held as follows:

*“74. Mediation can become a potent alternate dispute resolution device. There are, however, a few indispensable requirements. The first*



*requirement is the existence of adequate infrastructural facilities and, what is more important, availability of trained and skilled Mediators. The role of the Mediator, as per Rule (5) of the Rules, is to facilitate the voluntary resolution of a commercial dispute and assist the parties in this regard. How can a Mediator, who is not properly trained, fulfil his responsibility under Rule (5)? Another area of concern is the availability in the number of Mediators in the country, particularly, in the light of lowering of the monetary valuation from Rs. 1 crore to Rs. 3 lakhs. It is all well to pass a law with sublime objects as in this case. However, the goal will not be realised unless the State Governments and all other relevant Authorities bestow their attention in the matter of providing adequate facilities. Knowledge of the laws, which are the subject matter of the suits under the Act, is indispensable for a Mediator to effectively discharge his duties. His role is supreme and it is largely shaped by his own knowledge of the law that governs commercial cases. There must be training by Experts, including at the State Judicial Academies. This must be undertaken on a regular and urgent basis, particularly keeping in mind when there is a dearth of trained mediators. There is a need to have a dedicated bar for mediation.*



*The effective participation of the bar which must be adequately remunerated for its service will assist in mediation evolving. The concerned High Court may also undertake periodic exercise to establish a panel of trained mediators in District and Taluka levels as per need.”*

2. This CRLMC has been filed for quashing the F.I.R. and proceedings relating to Laxmisagar P.S. Case No. 567 of 2024 corresponding to C.T. Case No. 1218 of 2024 pending in the court of the learned J.M.F.C.-IV, Bhubaneswar which had been registered for commission of offences punishable under Sections 420, 294 and 506 of IPC against the present petitioners and one Mallik Kamaruddin and Sekh Arman.

3. The petitioners had approached this Court in ABLAPL No. 12011 of 2024 and by order dated 05.11.2024, this Court had granted them interim protection and referred the matter for mediation. Thereafter, on 15.09.2025, ABLAPL has been disposed of observing that since the matter has been settled through mediation, the petitioners had been directed to be released on bail on surrender in the court below.

4. On 16.12.2024, the mediator has given a report stating that the mediation was successful and the petitioners had agreed to pay



Rs.18,00,000/- to the opposite party-informant by 10<sup>th</sup> January, 2025 and necessary steps for quashing of the F.I.R. would be taken.

Copy of the report has been annexed to this petition as Annexure-3.

5. Mr. Subudhi, learned counsel for the petitioners submits that pursuant to such mediation report, an agreement was entered into between the parties on 21<sup>st</sup> January, 2025 and the petitioners have cleared the amount of Rs.18,00,000/-. As the matter has been settled between the parties, no useful purpose will be served by keeping the case pending and the same may be quashed.

6. Mr. Gyana Ranjan Dhal, learned counsel submits that he has instruction to appear on behalf of Mr. Pabitra Kumar Mohapatra, opposite party no.2-informant in this case. He files Vakalatnama in Court today on behalf of Mr. Pabitra Kumar Mohapatra-opposite party no.2-informant which is taken on record.

7. Mr. Gyana Ranjan Dhal, learned counsel for the informant submits that the parties had appeared in the mediation centre in the mediation proceeding and the matter was amicably settled and the informant has got back his money for which he does not want to proceed with the matter.

8. Joint affidavit of the petitioners and opposite party no.2 (informant) is taken on record. Copy of the affidavit is served on



Mr. S.N. Biswal, learned Additional Standing Counsel appearing on behalf of opposite party no.1.

**9.** Heard the learned counsel for the parties, perused the FIR , the mediation report dated 16.12.2024 and the joint affidavit of the parties.

**10.** This is a case where settlement of the dispute between the parties has been possible on account of the availability of infrastructure for mediation in the State, availability of a trained mediator for mediating between the parties and willingness of the parties on the advice of their counsel for settlement of the matter through mediation leading to a win -win situation for all concerned. The informant has got back his money, the accused persons do not have to face criminal proceedings and valuable time of the court has been saved.

**11.** Considering the submissions of the learned counsel for the parties, the mediation report and the joint affidavit, the F.I.R. and proceedings relating to Laxmisagar P.S. Case No. 567 of 2024 corresponding to C.T. Case No. 1218 of 2024 pending in the court of the learned J.M.F.C.-IV, Bhubaneswar are quashed.

**12.** The CRLMC is disposed of accordingly.



13. Urgent certified copy of this order be granted on proper application.

14. Copy of this order be sent to the court of the learned J.M.F.C.-IV, Bhubaneswar.

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*(Savitri Ratho)*  
*Judge*

*Orissa High Court, Cuttack.*  
*The 18<sup>th</sup> December, 2025/puspa*