



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1232 of 2022

(An application under Section 482 of Cr.P.C.)

Rishikesh Sahoo

....

Petitioner

-versus-

1. State of Odisha

2. Reshma Subudhi @ Sahoo

....

Opposite Parties

Advocates appeared in this case:

For Petitioner : Mr. Narayan Prasad Parija, Advocate

For Opposite Parties : Mr. Amitabh Pradhan,
Additional Standing Counsel
(For Opposite Party No.1)

None

(For Opposite Party No.2)

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

J U D G M E N T

Date of Hearing and Judgment : 09.04.2026

Savitri Ratho, J. The CRLMC has been filed with a prayer for quashing of the proceedings in G.R. Case No.1597 of 2017, arising out of Cuttack Mahila P.S. Case No.91 of 2017 pending in the Court of learned S.D.J.M. (Sadar) Cuttack.

BRIEF FACT OF THE CASE

2. The brief fact of the case is that on 14.12.2015 Petitioner had married Opposite Party No.2 as per Hindu rites and customs.



After marriage, they resided in the paternal residence of the Petitioner, but due to differences between them, Cuttack Mahila P.S. Case No.91 of 2017 was registered under Sections 498-A/323/307/506/34 of the IPC and Section 4 of the D.P. Act against the Petitioner, his parents and his two sisters on the complaint of Opposite Party No.2. The parties were living separately from each other since 01.01.2017.

SUBMISSIONS

3. Mr. N.P. Parija, learned counsel for the Petitioner submits that due to intervention of the well-wishers of the parties, the parties agreed to part ways amicably for which a joint petition i.e. Civil Proceeding No.272 of 2021 had been filed under Section 13-B of the Hindu Marriage Act in the Court of the learned Judge, Family Court, Cuttack, in which it has been stated at paragraph-8 that the litigations pending between the parties will not be proceeded and all the litigations will automatically come to an end by passing a decree of mutual divorce. Vide judgment dated 10.01.2022, the marriage between the parties was dissolved by a decree of divorce on mutual consent under Section 13-B of the Hindu Marriage Act. As per their agreement Rs.25 lakhs has been paid by the Petitioner to the



Opposite Party No.2 towards permanent alimony. After the decree of divorce was passed, the Petitioner and Opposite Party No.2 are leading their separate lives. As no steps have been taken by the Opposite Party No.2 for withdrawal or quashing the proceeding in G.R. Case No.1597 of 2017 pending in the Court of the learned SDJM (Sadar), Cuttack the Petitioner was constrained to file this CRLMC praying for quashing of the proceeding in G.R. Case No.1597 of 2017.

4. Mr. Amitabh Pradhan, learned Additional Standing Counsel opposes the submission of the learned counsel for the Petitioner and submits that it is true that in matrimonial disputes where there has been a divorce between the parties, criminal proceedings have been quashed in many cases on the ground that the wife/ informant does not want to proceed in the case, but in the present case the offences include a non-compoundable and serious offence like Section 307 of the IPC. He further submits that merely because the parties have entered into a settlement and obtained a decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act, the same does not automatically result in quashing of the criminal proceedings.



JUDICIAL PRONOUNCEMENT

5. *In the case of B.S. Joshi and others vs. State of Haryana and others : (2003) 4 SCC 675, the Hon'ble Supreme Court after referring to its earlier decisions has laid down the principles governing the quashing of matrimonial disputes where there has been an amicable settlement, by holding as follows :*

"12) The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

13) The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad & Ors. : (2000) 3 SCC 693, are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as



accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.

14) There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.

15) In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and



Section 320 of the Code does not limit or affect the powers under Section 482 of the Code."

*In the case of **Gian Singh vs. State of Punjab : (2012) 10 SCC 303**, where a larger Bench of the Supreme Court had been constituted to decide the correctness of the decisions of this Court in **B.S. Joshi and others v. State of Haryana and another, Nikhil Merchant v. Central Bureau of Investigation and another and Manoj Sharma v. State and others**, the Supreme Court held as follows :-*

"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case



and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and



continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

*62. In view of the above, it cannot be said that **B.S. Joshi, Nikhil Merchant and Manoj Sharma** were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the concerned Bench(es)."*

In the case of **Sri Rangappa Javoor vs State of Karnataka in SLP (Crl) No. 33313 of 2019**, the Respondent though served with notice, did not appear before the Supreme Court. The Supreme Court while quashing the chargesheet in the case has held as follows:



“It is apparent that the parties have resolved and settled their disputes. In the facts of the case, we do not feel that any useful purpose would be served by continuation of the prosecution. The appellant - Rangappa Javoor, who is an officer in the Border Security Force and as per the job requirement, has to serve in different parts of the country, would be put to harassment. This court has held that in cases of offences relating to matrimonial disputes, if the Court is satisfied that the parties have genuinely settled the disputes amicably, then for the purpose of securing ends of justice, criminal proceedings inter-se parties can be quashed by exercising the powers under Article 142 of the Constitution of India or even under Section 482 of Code of Criminal Procedure, 1973.”

The Supreme Court in the case of ***Shilpa Sailesh v. Varun Sreenivasan***; (2023) 14 SCC 231, has held as follows:

“36. The reason is that the courts must not encourage matrimonial litigation, and prolongation of such litigation is detrimental to both the parties who lose their young age in chasing multiple litigations. Thus, adopting a hyper technical view can be counterproductive as pendency itself causes pain, suffering and harassment and, consequently, it is the duty of the court to ensure that matrimonial matters are amicably resolved, thereby bringing the agony,



*affliction, and torment to an end. In this regard, the courts only have to enquire and ensure that the settlement between the parties is achieved without pressure, force, coercion, fraud, misrepresentation, or undue influence, and that the consent is indeed sought by free will and choice, and the autonomy of the parties is not compromised. The latter two decisions in **Gian Singh and Jitendra Raghuvanshi** observe that the inherent power on the High Court under Section 482 CrPC is wide and can be used/wielded to quash criminal proceedings to secure the ends of justice and prevent abuse of the process of the court, albeit it has to be exercised sparingly carefully, and with caution.”*

In the case of **Navneesh Aggarwal and others v. State of Haryana and another, 2025 INSC 963**, it has been held by the Supreme Court as follows:

*"14. Furthermore, this Court has consistently taken the view that where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled into their respective lives, criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. In the cases of **Mala Kar vs. State Of Uttarakhand, Criminal Appeal No.1684 of 2024 dated 19.03.2024** and **Arun Jain vs. State of NCT of Delhi, Special Leave Petition (Criminal) No.9178 of 2018 dated 01.04.2024**, this Court, while*



*exercising its powers under Article 142 of the Constitution of India, quashed the criminal proceedings arising out of matrimonial discord against the husband. The Court took note of the fact that the couple therein had divorced and held that in such a situation, to continue with criminal prosecution would amount to abuse of the process of law. The reasoning adopted therein applies with equal force to the facts of the relevant paragraph in **Arun Jain** are extracted respectively as under:*

"12. Following the aforesaid judgment, in the instant case, we have already noted that there has been a decree of divorce passed between the parties dated 18.10.2014. It is thereafter that on 06.04.2015, the FIR was registered in respect of the criminal complaint filed on 09.08.2014. More significantly, both the appellant No.2 and respondent No.2 have since remarried and are leading their independent lives. Therefore, both parties have accepted the decree of divorce passed by the Family Court on 18.10.2014. Moreover, the appellant No.2-former husband of the respondent No.2 has agreed to pay a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) as ex-gratia to the respondent No.2 herein in full and final settlement of all her claims, with a prayer to this Court to do complete justice in this matter and for invoking its powers under Article 142 of the Constitution of India.

xxx xxx xxx

Following the aforesaid judgments, in the instant case, it is noted that the appellants and respondent No.2 were married on 01.11.1996 and a daughter was born to



them on 19.04.2001. It is also stated by learned counsel for the appellants that appellant No.1 left the matrimonial home on 23.04.2007 and thereafter respondent No.2 sought divorce which was granted by the Competent Court on 04.04.2013. It was only thereafter on 31.10.2013 that respondent No.2 filed the complaint against the appellants herein and the FIR was registered on 13.02.2014 and the chargesheet was filed on 22.09.2015. It is also to be noted that the proceedings initiated under the Protection of Women from Domestic Violence Act, 2005 in the year 2008 by respondent No.2 herein culminated in the dismissal of the said proceeding on merits by order dated 28.07.2017 which has attained finality. Having regard to the aforesaid peculiar and crucial aspects of the present case and by following the order dated 19.03.2024, the appeal is liable to be allowed as we find that this is a fit case where we can exercise powers under Article 142 of the Constitution of India."

ANALYSIS AND CONCLUSION

6. Notice had been issued to the Opposite Parties by order dated 06.01.2025 but office note indicates that notice has returned unserved with the postal endorsement "Always door locked hence returned to sender".



7. From a perusal of the judgment dated 10.01.2022 passed by the learned Judge, Family Court, Cuttack in Civil Proceeding No.272 of 2021, it is apparent that the Petitioner and Opposite Party No.2 had settled their differences and agreed for dissolving their marriage by mutual consent and had also agreed that they would not proceed with the litigations pending between them.

8. More than four years have elapsed since the marriage of the parties has been dissolved by a decree of divorce by mutual consent. It can therefore be safely presumed that the parties are leading their separate lives.

9. It is true that one of offences involved is under Section 307 of the IPC, but where the informant has no intentions to proceed with the case, the possibility of conviction of the Petitioner in the case is bleak and valuable time and resources of the Court will be wasted if the proceedings are allowed to continue. It is also apparent that the offence under Section 307 of the IPC is a result of a dispute relating to their marriage.

10. On a careful examination of the background facts, keeping in mind the decisions of the Supreme Court and as the marriage between the Petitioner and Opposite Party No.2 has been dissolved



by a decree of divorce on mutual consent under Section 13-B of the Hindu Marriage Act, no useful purpose will be served to keep G.R. Case No. 1597 of 2017 in the Court of the learned S.D.J.M. (Sadar), Cuttack pending.

11. I am satisfied that this is a fit case for exercise of power under Section 482 of the Cr.P.C. to quash the proceeding in G.R. Case No. 1597 of 2017 in the file of the learned SDJM (Sadar), Cuttack which arises out of Cuttack Mahila P.S. Case No.91 of 2017.

12. The proceedings are accordingly quashed. The CRLMC is allowed.

13. Copy of this order be sent to the learned SDJM (Sadar), Cuttack.

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

(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated, the 9th April, 2026/RKS