



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2786 of 2025

Rajeswar Rout

.....

Petitioner

Represented By Adv. -
Kshirod Kumar Pahil

-versus-

1) State Of Odisha

.....

Opposite Parties

2) Srabani Kothia

Represented By Adv. -
Mr. C.M.Singh, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
13.08.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the application as well as prayer made therein.
3. By filing the present application under Section 528 of the B.N.S.S., the petitioner seeks quashing of the entire criminal proceeding arising out of Jeypore Mahila P.S. Case No.21 of 2025 which corresponds to G.R. Case No.188 of 2025 pending in the file of learned S.D.J.M., Jeypore which was registered for commission of an offence punishable under Sections 85/ 115(2)/296/351(2)/351(3) of the B.N.S. and read with Section 4 of D.P. Act. In the meantime investigation has been concluded and charge sheet has also been filed against the accused persons.



4. Learned counsel for the petitioner at the outset contended that the criminal proceeding arises out of a matrimonial dispute between the husband and wife. He further submitted that the nature of the dispute is such that the same can be resolved through the mechanism of mediation. He further submitted that in the meantime an application has been filed before the learned Judge, Family Court, Berhmapur bearing C.P. No.406 of 2021 for dissolution of marriage at the instance of the wife. He further contended that both the Petitioner as well as the Opposite Party No.2 are government employees, therefore, the pendency of the proceedings against the Petitioner and the Opposite Party No.2 would hinder their profession. In such view of the matter, learned counsel for the petitioner prayed that the matter be send to mediation for resolution of the dispute.

5. Learned counsel for the State on the other hand contended that on the basis of the ground taken on the application a case is well made out to quash the entire criminal proceeding in exercising of the power conferred upon this Court on Section 528 of the B.N.S.S. He further submitted that in the event the petitioner seeks to resolve the dispute through mediation then it is open to him to make such an application before the trial court which shall be considered in accordance with law by the learned trial court.

6. Having heard the learned counsels appearing for the petitioner as well as Opposite Party No.1, further taking note of the nature dispute involved in the present application and the fact that several criminal proceedings as well as divorce proceeding are pending before the learned Family Court for dissolution of the marriage, this Court is of the prima facie view that a matrimonial dispute of the present nature can be resolved through mediation. In such view of the



matter, the present application is being disposed of by granting liberty to the Petitioner to approach the learned trial court shall refer the matter to District Mediation Centre for amicably resolution of the dispute through the mediation. In the event such application has been filed with the consent of both sides the learned trial court shall do well to refer the matter to the District Mediation Centre for amicable resolution of the dispute through the mechanism of mediation.

7. With the aforesaid observations and directions, the CRLMC stands disposed of.

(A.K. Mohapatra)
Judge

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