



A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.754 of 2026

along with

CRLMC No.3567 of 2025

(In the matters of applications under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of
Criminal Procedure Code, 1973).

Bhupendra Singh Notey
(In both the CRLMC)

....

Petitioner(s)

-versus-

Gagandeep Kaur

....

Opposite Party (s)

Advocates appeared in the case through Hybrid Mode:

For Petitioner(s)

:

In Person.

For Opposite Party (s)

:

M/s. M. Routray, Adv.

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CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-08.05.2026

DATE OF JUDGMENT:-14.07.2026

Dr. Sanjeeb K Panigrahi, J.

1. Since the issues raised in both the CRLMCs referred to above involve common question of fact and law, those were heard analogously and are being disposed of by this common judgment.
2. The Petitioner, in both the aforesaid Criminal Misc. Cases, has approached this Court under Section 482 of the Code of Criminal



Procedure, 1973 invoking the inherent jurisdiction of this Court. The present applications have been preferred for quashing of Criminal Execution Petition No. 175 of 2023 along with Distress Warrant and Conditional N.B.W pending before the SDJM Court, Rourkela which is arising out of the CRLMC 3567 of 2025 before this Court.

I. FACTUAL MATRIX OF THE CASE:

3. The brief facts of the case are as follows:

- (i) As it transpires from the case record, the prosecution case, in a nutshell, that the Petitioner, being a divorcee, solemnized marriage with the Respondent on 14.10.2007.
- (ii) It is further alleged that the Respondent had represented herself to be a divorcee and assured the Petitioner accordingly; however, subsequently, the Petitioner came to learn that no decree of divorce had been obtained in respect of her previous marriage.
- (iii) The Petitioner instituted a divorce proceeding before the learned Family Court, Jabalpur on 11.11.2016. Subsequently, on the application of the Opposite Party, the said proceeding was transferred from Jabalpur to the learned Family Court, Rourkela.
- (iv) According to the Petitioner, since the very marriage was allegedly founded upon misrepresentation and fraud perpetrated by the Respondent, he was subjected to continuous acts of cruelty at her hands. Finding no other efficacious remedy, the Petitioner lodged a report before Rampur Police



Station, Jabalpur, upon which a case came to be registered in accordance with law.

- (v) On 16.01.2017, the Opposite Party allegedly lodged an FIR against the Petitioner and his family members under the provisions of the Dowry Prohibition Act, purportedly as a counterblast to the divorce proceeding instituted by the Petitioner. It is further alleged that the said FIR was lodged after nearly ten years of the marriage and news relating thereto was published in the *Dainik Jagran* newspaper with the alleged intention of tarnishing the reputation and defaming the Petitioner.
- (vi) As a consequence of the aforesaid FIR, the Petitioner and his family members were compelled to seek anticipatory bail before the competent Court in order to safeguard their liberty. It is further stated that, subsequently, the said FIR came to be quashed by the High Court of Madhya Pradesh at Jabalpur.
- (vii) The Opp. Party has concealed and suppressed material facts from the learned SDJM, Panposh, Rourkela, particularly with regard to her independent sources of income, including earnings from private tuition, interest accrued on bank deposits, income generated from other investments, Fixed Deposit Receipts (FDRs) maintained in various banks, Public Provident Fund (PPF) accounts, and her employment status.
- (viii) Thereafter, the Opp. Party is stated to have instituted Criminal Execution Petition No. 175 of 2023 on 22.06.2023, which,



according to the Petitioner, was filed on false and untenable grounds with the intent to harass him. It is further alleged that, pursuant thereto, the Opposite Party succeeded in obtaining a Distress Warrant and Non-Bailable Warrant (NBW) against the Petitioner from the Court of the learned SDJM, Panposh, Rourkela.

Being aggrieved by such order, the Petitioner have been constrained to approach this Court by way of the present criminal appeal seeking appropriate relief.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

4. The learned counsel for the Petitioner respectfully and earnestly made the following submissions in support of his contentions:
 - (i) The Petitioner submits that no prima facie case is made out against him in the aforesaid criminal execution proceeding. It is contended that the said proceeding has been instituted as an afterthought and with a mala fide intention, particularly when the Opposite Party had left the matrimonial home on 18.01.2017, after nearly ten years of marriage.
 - (ii) The Petitioner further submits that he does not stand in a domestic relationship with the Opposite Party within the meaning and scope of the provisions of the Act, and therefore, the initiation and continuation of the impugned proceeding against him are not legally sustainable.
 - (iii) The Petitioner further contends that the continuation of the present proceedings amounts to a gross abuse of the process of



law and is wholly devoid of legal merit, inasmuch as the same has been instituted on the basis of an F.I.R. which has already been quashed by the Hon'ble High Court of Madhya Pradesh at Jabalpur. It is submitted that once the very foundation of the prosecution, namely the F.I.R., has been set aside by a competent Court, any consequential proceeding arising therefrom cannot be sustained in the eye of law and is liable to be quashed.

- (iv) The Petitioner further contends that the present execution proceeding is founded upon false, baseless, and concocted allegations and constitutes a clear abuse of the process of law. It is submitted that the same has been initiated with a mala fide intention to harass the Petitioner, settle personal scores, and exert undue pressure upon him. The Petitioner further asserts that the proceeding is nothing but a counterblast to the divorce petition instituted by him and has been maliciously filed with an ulterior motive to frustrate and prejudice the matrimonial proceedings pending between the parties.
- (v) The Petitioner further submits that the conduct of the Opposite Party during the course of the evidentiary proceedings was duly taken note of by the learned Family Court, as reflected in its order dated 27.03.2023. It is contended that the observations made therein clearly demonstrate the mala fide intention of the Opposite Party and reveal her misuse of the legal process. The Petitioner asserts that, contrary to the allegations levelled against him, it is he who has been subjected to cruelty and



harassment at the hands of the Opposite Party, thereby suffering the consequences of her acts and conduct.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTY:

5. *Per contra*, the learned counsel for the Opposite Party earnestly made the submission that the present CRLMC is not maintainable before this Court and deserves to be rejected in limine.

- (i) The Opposite Party submits that, in or about July 2008, the Petitioner began exhibiting an indifferent and negligent attitude towards her, and his behavior gradually became rude, hostile, and insensitive without any justifiable reason. It is further contended that the Petitioner, in connivance with his family members, demanded an additional dowry of ₹15 lakhs and a luxury car, and repeatedly pressured the Respondent to procure the same from her parental family.
- (ii) The Opposite Party alleges that she was taunted and humiliated on the ground that she had not brought sufficient dowry at the time of marriage. Upon her refusal to accede to such unlawful demands, the Petitioner and his family members allegedly became increasingly aggressive, picked up frequent quarrels on trivial issues, and subjected her to physical and mental cruelty, including assault and harassment.
- (iii) The Opposite Party further submits that the Petitioner persistently subjected her to various forms of mental cruelty and emotional distress throughout the subsistence of the



matrimonial relationship. It is alleged that the Petitioner deliberately neglected and denied her conjugal companionship, thereby causing severe mental anguish and hardship.

- (iv) The Opposite Party contends that, in December 2016, her maternal uncle visited the matrimonial home of the Petitioner at Jabalpur with a view to amicably resolve the matrimonial discord and facilitate reconciliation between the parties. However, despite such efforts, the Petitioner and his family members allegedly persisted in their unlawful demand for dowry and refused to mend their conduct. It is further alleged that they extended threats to the Respondent and warned her of dire consequences in the event of non-fulfilment of their demands, thereby subjecting her to continued intimidation, harassment, and mental cruelty.
- (v) The Opposite Party further contends that, being unable to endure the alleged acts of cruelty, harassment, and ill-treatment meted out to her, she was constrained to leave the matrimonial home along with her family members. It is contended that she was effectively deserted by the Petitioner and deprived of the care, support, and companionship to which she was lawfully entitled.
- (vi) The Opposite Party states that, since 2017, she has been residing at her parental home along with her minor child and has been living under precarious financial and social



circumstances, struggling to maintain herself and the child without any adequate support from the Petitioner.

- (vii) The Opposite Party further submits that the relatives of the Petitioner consistently pressurized and compelled her to leave the matrimonial home permanently, creating a hostile and unbearable environment for her continued residence therein. Such acts, according to the Respondent, amounted to sustained mental cruelty and harassment.

IV. COURT'S REASONING AND ANALYSIS:

6. Heard Learned Counsel for parties and perused the documents placed before this Court.
7. Upon a careful consideration of the pleadings, evidence on record, and the surrounding circumstances, this Court is of the considered view that the Petitioner has, with utter disregard for his statutory as well as matrimonial obligations, persistently failed to provide the Opposite Party the care, support, and maintenance to which she was lawfully entitled.
8. This Court is also mindful of the legislative object and underlying philosophy of the Protection of Women from Domestic Violence Act, 2005, which has been enacted as a beneficial and socially remedial legislation to secure more effective protection of the constitutional and statutory rights of women who are subjected to violence within the domestic sphere. The enactment is intended to provide immediate, efficacious, and meaningful remedies to aggrieved women, thereby ensuring the preservation of their dignity, security, and right to live



with dignity as guaranteed under the Constitution. The provisions of the Act, therefore, deserve to receive a purposive, liberal, and beneficial interpretation so as to advance the object sought to be achieved by the legislature rather than to defeat it on narrow or hyper-technical considerations.

9. The materials available on record unmistakably reveal that the Opposite Party was subjected to continuous harassment, humiliation, and financial deprivation at the hands of the Petitioner. The conduct attributed by the Petitioner cannot be viewed as a series of isolated, inadvertent, or inconsequential incidents; rather, the record discloses a continuous and deliberate course of oppressive behavior marked by willful neglect, studied indifference, and sustained acts of omission and commission, which collectively inflicted severe physical, mental, emotional, and financial hardship upon the Opposite Party.
10. Such conduct strikes at the very substratum of the matrimonial relationship, erodes the mutual trust and confidence that constitute its foundation, and manifests a conscious and flagrant disregard of the Petitioner's legal as well as moral obligations towards his spouse. The cumulative effect of these acts, when viewed in their entirety, clearly constitutes domestic violence and amounts to a patent dereliction and abdication of the statutory duties cast upon the Petitioner under law.
11. The court places the reliance upon the decision rendered in *Shaurabh Kumar Tripathi v. Vidhi Rawal*¹, wherein the pronouncement lucidly

¹ 2025 SCC OnLine SC 1158



expounds the settled legal position governing the issue at hand and held that:

“35. When it comes to exercise of power under Section 482 of the CrPC in relation to application under Section 12(1), the High Court has to keep in mind the fact that the DV Act, 2005 is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and for preventing acts of domestic violence. Therefore, while exercising jurisdiction under Section 482 of the CrPC for quashing proceedings under Section 12(1), the High Court should be very slow and circumspect. Interference can be made only when the case is clearly of gross illegality or gross abuse of the process of law. Generally, the High Court must adopt a hand-off approach while dealing with proceedings under Section 482 for quashing an application under Section 12(1). Unless the High Courts show restraint in the exercise of jurisdiction under Section 482 of the CrPC while dealing with a prayer for quashing the proceedings under the DV Act, 2005, the very object of enacting the DV Act, 2005, will be defeated.”

12. Therefore, while exercising its inherent jurisdiction under Section 482 of the CrPC, this Court is required to act with the utmost circumspection, restraint, and judicial prudence. The extraordinary power of quashing criminal proceedings is to be invoked sparingly and only in the rarest of cases where the continuation of the prosecution would manifestly amount to a gross abuse of the process of the Court or where the impugned proceedings are patently illegal, vexatious, or devoid of any legal foundation. Unless the materials on record unmistakably disclose such exceptional circumstances warranting judicial intervention, this Court would be loath to interdict the ordinary course of criminal prosecution at its threshold



13. It is manifest from the materials available on record that the Opposite Party, along with her minor daughter, has been constrained to reside at her parental home since the year 2017 after being compelled to leave the matrimonial home on account of the conduct allegedly meted out to her by the Petitioner. The records further reveal that she has remained estranged from the Petitioner ever since and has been maintaining herself and her daughter independently, away from the matrimonial household, for a substantial period. Such prolonged separation, coupled with the attendant circumstances emerging from the record, lends prima facie credence to the allegation that the Opposite Party was deprived of the care, companionship, protection, and financial support to which she was legally entitled, thereby compelling her to seek refuge at her parental home for her subsistence and that of her minor daughter.
14. Similar reliance has been placed upon the decision of the Supreme Court in *Prabha Tyagi v. Kamlesh Devi*², wherein, the Court reiterated and authoritatively reaffirmed the settled principles governing the field and held as follows:

“59.2. Marriage is also a lifelong relationship unless a separation by a decree of divorce is ordered by a competent authority of law.

(i) If there is judicial separation ordered by a court of law, that does not put an end to marriage and hence the domestic relationship continues between the spouses even though they may not be actually living together.

(ii) In the event of a divorce, marriage would no longer be

² (2022) 8 SCC 90



subsisting, but if a woman (wife) is subjected to any domestic

violence either during marriage or even subsequent to a divorce decree being passed but relatable to the period of domestic relationship, the provisions of this DV Act would come to the rescue of such a divorced woman also.

(iii) That is why, the expression “**domestic relationship**” has been defined in an expansive manner to mean **a relationship between two persons who live or have at any point of time lived together in a shared household when they are related by marriage**. We have also interpreted the word “live” or “lived” in the context of right to reside in sub-section (1) of Section 17. The right to live in the shared household, even when the domestic relationship may have been severed for instance when a woman has been widowed owing to the death of her husband, entitles her to have remedies under the DV Act.

(iv) Therefore, even when the marital ties cease and there is no subsisting domestic relationship between the aggrieved woman and the respondent against whom relief is claimed but the acts of domestic violence are related to the period of domestic relationship, even in such circumstances, the aggrieved woman who was subjected to domestic violence has remedies under the DV Act.

59.3. Even in the case of relationship in the nature of marriage, during which period the woman suffered domestic violence and is thus an aggrieved person can seek remedies subsequent to the cessation of the relationship, the only precondition is that the allegation of domestic violence must relate to the period of the subsistence of relationship in the nature of marriage.”

15. However, this Court is of the considered view that the issues involved in the present case give rise to disputed and contentious questions of fact, the determination whereof necessarily requires a full-fledged adjudication on the basis of legally admissible evidence. The



correctness and veracity of the allegations, the probative value of the evidence, and the respective pleas and defences of the parties cannot be conclusively examined in the exercise of the inherent jurisdiction of this Court, but can be appropriately adjudicated only after the parties are afforded a fair and adequate opportunity to adduce oral and documentary evidence before the learned Trial Court.

16. Any premature evaluation of the factual matrix at this stage would amount to a meticulous appreciation of evidence, which is impermissible while exercising jurisdiction under Section 482 of the CrPC. Consequently, the truthfulness of the allegations, the culpability, if any, of the parties, and the ends of justice can be effectively and conclusively determined only upon the culmination of a trial conducted strictly in accordance with the procedure established by law.
17. Upon the foregoing discussion and the settled position of law, this Court is of the considered opinion that no exceptional or compelling circumstance has been made out warranting the exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure to interdict the proceedings initiated under the Protection of Women from Domestic Violence Act, 2005, which are presently pending before the learned S.D.J.M., Rourkela. Equally, this Court finds no legal infirmity, jurisdictional error, perversity, or manifest abuse of the process of law so as to justify interference with the consequential execution proceedings, including the issuance of the distress warrant and the conditional Non-Bailable Warrant (N.B.W.),



arising out of Criminal Misc. Case No. 86 of 2017. The impugned proceedings do not suffer from any patent illegality warranting interference in the exercise of the inherent powers of this Court.

V. CONCLUSION:

18. In view of the foregoing analysis and upon an anxious and careful consideration of the material facts and circumstances of the present case, as well as the materials available on record, this Court is of the considered view that no case is made out warranting interference with the proceedings initiated under the provisions of the Domestic Violence Act pending before the learned Court of the SDJM, Rourkela, or the proceedings arising out of the criminal execution petition.
19. The allegations levelled and the circumstances brought on record do not justify the exercise of inherent jurisdiction of this Court for quashing the said proceedings at this stage. The continuation of the proceedings cannot be said to amount to an abuse of the process of law or to result in miscarriage of justice. Accordingly, this Court is not inclined to grant the reliefs sought for by the Petitioner.
20. Accordingly, the CRLMCs stand **dismissed**.
21. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

*Orissa High Court, Cuttack,
Dated 14th July, 2026*