



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4629 of 2025

***Sanjay Kumar Sahu @ Sanjya
Kumar Sahoo***

.....

Petitioner

Represented by Adv. -
Saumya Ranjan Pradhan

-versus-

State Of Odisha

.....

Opposite Party

Represented by Adv. –

Miss B.K. Sahu, AGA

Mitu Kumar Biswal, jayashree
Biswal, s.r.acharya, m.dehuri

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

16.12.2025

Order No.

03.

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 Informant-Opposite Party No.2 and learned counsel for the State. Perused the application as well as the prayer made therein.
3. By filing the present application under Section 482 of Cr.P.C. which corresponds to Section 528 of the BNSS the Petitioner seeks to invoke inherent power of this Court to quash the entire criminal proceeding in G.R. Case No.1986 of 2024 now pending in the file of learned S.D.J.M., Berhampur, Ganjam which corresponds to Berhampur Mahila P.S. Case No.172 of



2024 which was registered for commission of an offence punishable under Sections 498-A/323/324/354-A/506/34 of IPC read with section 4 of the D.P. Act.

4. Learned counsel for the Petitioner at the outset contended that the Petitioner no.1 is the husband and other Petitioners are in-laws family members of the Opposite Party No.2-Informant/victim. He further contended that due to a misunderstanding a matrimonial discord arose between the Petitioner. The present FIR was lodged at the instance of the wife-Opposite Party No.2 implicating the Petitioner as well as other in-laws family members. Learned counsel for the Petitioner further submitted that as per the FIR allegation the Opposite Party No.2 lodged the FIR at Berhampur Mahila P.S. on 31.05.2023 alleging that she got married to the Petitioner No.1 and at the time of marriage the Petitioner No.1 was given dowry articles to the tune of Rs.5,00,000/- cash, gold and silver ornaments, and other household articles. She has further stated that seven days after the marriage her husband and other in-laws started torturing her physically as well as mentally demanding more dowry. When she refused to fulfil such additional demand of dowry she has been subjected to more harassment and torture. Accordingly, she had lodged the FIR as has been indicated hereinabove.

5. After conclusion of the investigation a charge sheet has been filed on 28.12.2024 thereafter cognizance of the offence has been taken vide order dated 31.12.2024 by the learned S.D.J.M., Berhampur for commission of an offence punishable under Sections 498-A/323/324/354-A/506/34 of IPC read with section 4 of the D.P. Act.



6. Learned counsel for the Petitioner further contended that during the pendency of the above noted criminal case a divorce proceeding bearing C.P. No.120 of 2025 was initiated at the instance of Opposite Party No.2-wife before the learned Judge, Family Court, Berhampur, Ganjam. The learned Judge, Family Court, Berhampur, vide her judgment dated 29.10.2025, has granted a mutual decree of divorce under section 13B of the Hindu Marriage Act, 1955 to the Parties. Accordingly, the marriage between the Petitioner No.1 and the Opposite Party No.2 has been dissolved. As per the judgment dated 29.10.2025 the marriage between the Petitioner No.1 and Opposite Party No.2 was solemnized on 31.05.2023 and was dissolved by a grant of decree of divorce on mutual consent. Learned counsel for the Petitioner at this juncture contended that the aforesaid application under Section 13B of the Hindu Marriage Act was filed before the learned Judge, Family Court, Berhampur in pursuance of amicable settlement of the dispute. As per the terms and conditions agreed upon by the Parties it was specifically agreed that the Parties shall file a joint petition before the learned Judge, Family Court for grant of a decree of divorce. It was also agreed that the Parties shall withdraw the cases filed against each other including the present criminal case. In the aforesaid context, learned counsel for the Petitioner referred to the affidavit filed before this court by the Opposite Party No.2 dated 12.12.2025 which has been sworn before the Oath Commissioner of this Court. On such ground, learned counsel for the Petitioner contended that a further continuance of the present proceeding would be an abuse of process of law and that no purpose would be



achieved by allowing the present criminal proceeding to continue.

7. Learned counsel appearing for the Informant while supporting the submissions made by the learned counsel for the Petitioner submitted before this Court that it is a fact that the marriage between the Petitioner No.1 and Opposite Party No.2 has been dissolved in the meantime. He further submitted that the petition under Section 13B of the Hindu Marriage Act was filed pursuant to an amicable settlement between the parties which was arrived at the intervention of relatives and well-wishers from both sides. He also did not dispute the fact that it has been specifically agreed to withdraw the present criminal case. Learned counsel for the Informant-Opposite Party No.2 further contended that since the matter has been amicably resolved and in view of the affidavit filed by the Informant-Opposite Party No.2, the Opposite Party No.2 will have no objection in the event the entire criminal proceeding is quashed.

8. Learned counsel for the State on the other hand submitted that although a case has been registered under the sections as has been indicated hereinabove, however, in the meantime, the Parties have resolved their dispute amicably and that they have decided to part ways gracefully. Accordingly their application for grant of mutual decree of divorce has already been allowed by the learned Judge, Family Court, Berhampur. In view of the subsequent change in the circumstance and the development thereafter, learned counsel for the State contended that she will have no objection in the event this court passes any order which would secure the ends of justice.



9. Having heard learned counsels appearing for the respective Parties, on a careful examination of their submission, taking note of the subsequent development that had taken place since the present matter, further keeping in view the fact that the marriage has been dissolved by grant of a decree of divorce under Section 13-B of the Hindu Marriage Act on mutual consent of the parties and the Parties have agreed to part ways gracefully subject to the terms and conditions agreed upon by them, this Court is of the view that it would be a futile exercise to allow the trial to continue knowing fully that the same would not result in conviction. In view of the aforesaid position, this Court is of the view that the present case is a fit case where this court should exercise its inherent power to quash the entire criminal proceeding. Accordingly, this court has no hesitation in question the entire criminal proceeding initiated against the Petitioner at the instance of the Opposite Party No.2. Hence, the entire criminal proceeding arising out of Berhampur Mahila P.S. Case No.172 of 2024 which corresponds to G.R. Case No.1986 of 2024 now pending in the file of learned S.D.J.M., Berhampur, Ganjam is hereby quashed.

10. Accordingly, the CRLMC application stands allowed.

(A.K. Mohapatra)
Judge

Sisir