



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5180 of 2025

Babula Hantal

....

Petitioner(s)

Mr. Saroj Kumar Padhy, Adv.

-versus-

State of Odisha & Anr.

....

Opposite Party (s)

Ms. Gayatri Patra, ASC

Mr. Ghanashyam Banji, Adv. (for O.P. No.2)

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

26.03.2026

08.

1. This matter is taken up through hybrid arrangement.
2. By filing the present CRLMC, the Petitioner, against whom the allegation of kidnapping the victim (Opposite Party No.2) is made, has prayed for quashing the entire criminal proceedings initiated against him vide Damanjodi P.S. Case No.24 of 2024 corresponding to T.R. Case No.70 of 2024, pending before the learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Koraput at Jeypore.
3. Heard learned counsel for all the parties.
4. Learned counsel for the Petitioner submits that the F.I.R. was lodged by the mother of the victim alleging commission of offence of kidnapping under Section 363 of I.P.C., which, during the course of investigation, culminated into offences



under POCSO Act. It is submitted that the victim was subsequently rescued and the Petitioner came to be arrested.

5. Learned counsel for the Petitioner further contends that the victim, in her 164 Cr.P.C. statement has categorically stated that she was in love relationship with the Petitioner since Class-VIII and had voluntarily left her parental home and accompanied the Petitioner. It is submitted that they resided together and solemnized marriage.

6. Learned counsel for the Petitioner further contends that the victim has fully supported the case of the Petitioner and has deposed that she had voluntarily eloped and married him. It is contended that the physical relationship between them was consensual in nature and that the allegations of force were made under pressure from her mother and the police authorities.

7. Learned counsel for the Petitioner further contends that victim has now attained the age of majority and has filed an affidavit expressing her willingness to marry and reside with the Petitioner.

8. On perusal of the case record, it appears that on 13.01.2026, the victim girl appeared before this Court through virtual mode and filed an affidavit. This Court, taking note of the same, passed the following order:



"2. The victim girl has appeared before this Court through Virtual Mode. She has also filed an affidavit inter alia stating as under:-

"5. That, we were known to each other since long and that we were in relationship, when the matter came to the knowledge of my family members and the family members of the Petitioner, the matter become aggravated and the local community person interfered in the matter and did not allow my relationship with the Petitioner further due to their ego clash and caste difference.

6. That in the meantime the dispute has been resolved in presence of parents of both the parents of mine and petitioner.

7. That our marriage has been fixed I am going to marry the petitioner I wanted to lead a happy and peaceful life with the Petitioner."

3. In the present case, the informant is the mother of the victim girl. Learned counsel for the petitioner seeks for an adjournment to ensure the presence of the mother of victim on the next date of hearing."

9. Today, the victim girl and her mother are present through virtual mode from the Damanjodi Police Station. Upon interaction, the victim has categorically stated that she is no longer willing to marry the present Petitioner.



10. Although the statement of the victim recorded under Section 164 Cr.P.C. and the affidavit filed earlier before this Court *prima facie* indicate that she had voluntarily accompanied the Petitioner and was in a consensual relationship with him, her subsequent statement before this Court expressing unwillingness to marry the Petitioner creates a significant doubt requiring deeper scrutiny.

11. In view of such contradictory stands taken by the victim, this Court is of the considered opinion that the matter involves disputed questions of fact which cannot be conclusively adjudicated at this stage. The truthfulness, voluntariness and circumstances surrounding the relationship between the parties, as well as the allegations forming the basis of the prosecution case, can only be determined upon appreciation of evidence during trial.

12. Accordingly, this Court is not inclined to record any definitive findings on the merits of the case at this stage. A thorough trial is necessary to ascertain the veracity of the allegations and to arrive at a just conclusion in accordance with law.

13. Accordingly, the present petition stands dismissed, being devoid of merit at this stage.

14. It is, however, made clear that any observations made herein are only for the purpose of adjudication of the present



petition and shall not influence the trial court while deciding the case on merits.

15. Pending application (s), if any, shall stand disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

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