



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5266 of 2023

An Application under section 482 of Code of Criminal Procedure.

Sandesh K. Srinivas

.... Petitioner

-versus-

1. State of Odisha

2. Smaranika Sahoo

.... Opposite Parties

Advocates appeared in this case through Hybrid Mode :

For Petitioner : *Mr. Manas Ranjan Nayak, Advocate
on behalf of Mr. Smruti Ranjan Rout,
Advocate*

For Opposite Parties : *Mr. Sarathi Jyoti Mohanty,
Additional Standing Counsel.
(For Opposite Party No.1)*

*Mr. Sriram Krishna Jajodia, Advocate
(For Opposite Party No.2)*

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

J U D G M E N T

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Dates of hearing and Judgment: 26.02.2026
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Savitri Ratho, J. This CRLMC has been filed for quashing the order dated 21.04.2018 taking cognizance of offences under Sections 341, 498-A, 323, 294, 307 and 506 of the Indian Penal Code (in short, 'IPC') against the Petitioner as well as for quashing the entire proceedings in connection with Markatnagar P.S. Case No.28 of 2018, corresponding to



G.R. Case No.299 of 2018 which is now pending in the Court of the learned JMFC-1 (Cog. Taking), Cuttack.

BRIEF FACT OF THE CASE

2. The marriage of the Petitioner and Opposite Party No.2 was solemnized on 18.11.2016 as per Hindu rites and customs in Mukambika Temple, Kullur Mangalore. It was subsequently registered before the Marriage Office, Puttur, Karnataka. On 16.02.2018, the Opposite Party No.2 lodged an FIR before the Markatnagar Police Station against the Petitioner and Markatnagar PS Case No.28 of 2018, corresponding to GR Case No.299 of 2018 in the file of the learned SDJM, Cuttack, was registered for commission of offences under Sections 341, 498(A), 494, 323, 279, 307 and 506 of the IPC read with Section 4 of DP Act against the Petitioner.

3. After submission of charge-sheet, cognizance of offences under Sections 341, 498-A, 323, 294, 307 and 506 of the IPC has been taken against the Petitioner on 21.04.2018 by the learned SDJM, Cuttack. This case is now pending in the Court of the learned JMFC-1 (Cog. Taking), Cuttack.

SUBMISSIONS

4. Heard learned counsel for the parties and perused the judgment passed in C.P. Case No.90 of 2018.



5. Mr. M.R.Nayak, learned counsel appearing on behalf of Mr. S.R. Rout, learned counsel for the Petitioner submits that after the marriage between the parties by Family Court, Cuttack stood dissolved vide judgment dated 18.12.2020 in C.P. No.90 of 2018, the parties are leading their separate lives and the informant / Opposite Party No.2 does not want to proceed against the Petitioner in the criminal case. So no useful purpose will be served by keeping the proceedings pending. In various decisions of the Supreme Court, in matrimonial disputes where the offences are non-compoundable, proceedings have been quashed keeping the nature of dispute and future of the parties in mind. As the parties are leading their separate lives after the divorce and the informant / Opposite Party No.2 does not wish to proceed against the Petitioner in the GR Case, the order of cognizance and the proceedings may be quashed.

6. Mr. Sarathi Jyoti Mohanty, learned Additional Standing Counsel for Opposite Party No.1 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 under Sections 307 and 294 of the IPC are non-compoundable.



7. Mr. S.K. Jajodia, learned counsel for informant-Opposite Party No.2 submits that the latter is not interested to proceed with the case as the marriage between the Petitioner and her has been dissolved more than five years ago and they are leading their separate lives.

JUDICIAL PRONOUNCEMENTS

8. The Supreme Court in the case of *Navneesh Aggarwal and others v. State of Haryana and another*, 2025 INSC 963, has held 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 ("Mala Kar")** and **Arun Jain vs. State of NCT of Delhi, Special Leave Petition (Criminal) No.9178 of 2018 dated 01.04.2024 ("Arun Jain")**, 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*



*present case. Paragraph 12 of **Mala Kar** and 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.

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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."

15. This Court, in the case of **Ramawatar vs. State of Madhya Pradesh, (2022) 13 SCC 635 ("Ramawatar")**, while considering quashing of proceedings under Section 482 of CrPC, in the context of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, took into consideration the fact that there had been a settlement arrived at between the parties in the said case and therefore, exercising jurisdiction under Article 142 of the Constitution of India, the Court quashed the complaint, the FIR, and subsequent criminal proceedings against the accused therein. The relevant portion of the said judgment is at paragraph 15 which is extracted as under:

*"15. The Constitution Bench decision in the case of **Supreme Court Bar Assn. v. Union of India & Another.** has eloquently clarified this point as follows:*

"48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice "between the parties in any cause or matter pending before it". The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by "ironing out the creases" in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only dispute-



*settling. It is well recognised and established that this Court has always been a law-maker and its role travels beyond merely dispute-settling. It is a "problem solver in the nebulous areas" (see **K. Veeraswami v. Union of India**) but the substantive statutory provisions dealing with the subject matter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject."*

9. 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.”

10. 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 India¹ or even under Section 482 of Code of Criminal Procedure, 1973.”

11. 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."

12. 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-dominantly 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).”*

ANALYSIS AND CONCLUSION

13. In view of the decisions of the Supreme Court in the cases of **B.S. Joshi** (supra) and **Gian Singh** (supra), it is no longer *res integra*



that there is no fetter on the High Court for quashing the criminal proceedings relating to a matrimonial dispute, in exercise of power under Section 482 of the Cr.P.C., where the matter has been settled and the informant-wife no longer wishes to proceed against the accused in the case, as the dispute is private in nature and the chances of conviction will be bleak. It has been held that in such cases, *“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.”*

14. By judgment dated 18.12.2020 passed by the learned Judge, Family Court, Cuttack in C.P Case No. 90 of 2018, the marriage between the Petitioner and the Opposite Party No.2 has been dissolved. More than five years have elapsed in the meanwhile. It is not disputed that the parties are leading their separate lives and the informant-Opposite Party No.2 does not wish to proceed further in the G.R. case. It cannot be disputed that if the trial in the case is held, the marital life of the parties may be disrupted. This would not be in the interest of justice. That apart, as the Opposite Party No. 2 does not wish to proceed against the petitioner, no useful purpose will be



served by holding the trial, as chances of conviction in the case will be bleak. Holding a trial in such circumstances will be only a formality, but in the process valuable resources and time of the Court will be wasted.

15. In view of the decisions of the Supreme Court referred to above, the background facts, particularly the fact that the marriage between the Petitioner and Opposite Party No.2 has ended in a divorce and the informant-Opposite Party No.2 is not interested to proceed with the G.R. case, I am satisfied that no useful purpose would be served by keeping the GR case pending. I, therefore, consider this to be fit case for exercise of power under Section 482 of the Cr.P.C. to quash the impugned order dated 21.04.2018 and the proceedings in G.R. Case No. 299 of 2018 which is now pending in the Court of the learned JMFC-1 (Cog. Taking), Cuttack (which arises out of Markatnagar P.S. Case No.28 of 2018) in the interest of justice.

16. The proceedings are accordingly quashed and the CRLMC is allowed.

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(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated, the 26th February, 2026/RKS