



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1367 of 2024

CNR No. ODHC010288542024

Manoj Kumar Swain & others **Petitioners**

Mr. Devashis Panda, Advocate

-versus-

State of Odisha & another **Opp. Parties**

M. Jateswar Nayak, AGA
Mr. Biplab Kumar Dash,
Advocate for the informant

CORAM:

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Order
No.

ORDER
03.09.2026

13.

1. Heard.
2. At the instance of the opposite party No.2, the F.I.R. in connection with Itamati P.S. Case No.92 of 2023 corresponding to G.R. Case No.264 of 2023 came to be registered against the petitioners for the alleged commission of offences punishable under Sections 498-A/302/304-B/34 of the IPC r/w Section 4 of the Dowry Prohibition Act, 1961 pending in the Court of learned S.D.J.M., Nayagarh.
3. After the investigation, the charge sheet has been



filed on 28.12.2023 for the alleged commission of the offences punishable under Sections 498-A/304-B/34/306/406 of IPC r/w Section 4 of the D.P. Act.

4. The learned trial Court vide order dated 02.09.2024, has taken the cognizance of the aforementioned offences. The petitioners, being aggrieved by the same, have filed the present petition invoking the inherent jurisdiction of this Court under Section 482 of Cr. P.C seeking quashing of the said order and the consequential proceedings.

5. The notice was issued to the opposite party no.2-informant, who is the father of the deceased. The petitioner no.1 is the husband of the deceased whereas the petitioner nos.2 and 3 are the in-laws of the deceased. Pursuant to issuance of the notice, Mr. Biplab Kumar Dash, learned counsel has appeared on behalf of the opposite party no.2.

6. During pendency of the present proceeding, the parties appear to have entered into a settlement. When the matter was taken up on 28.08.2024, both the informant and the accused persons have appeared in person before this Court and reiterated their stand that they have settled their dispute. The said order reads thus:

“1. Heard.

2. At the instance of the opposite party no.2, the F.I.R., i.e., Itamati P.S. Case No.92 of 2023 came to be registered against the petitioners under Sections



498-A/304-B/306/406/34 of the I.P.C. read with Section 4 of the D.P. Act pending in the Court of learned J.M.F.C., Nayagarh.

3. The prosecution case is that the daughter of the informant married petitioner no.1 as per Hindu customs and traditions on 23.01.2022. At the time of marriage, the informant has given dowry articles along with cash to petitioner no.1. After one year of marriage, the petitioner no.1 along with his parents started physically and mentally torturing to his wife for further demand of Rs.1,00,000/-, which has been informed by the deceased to her father over telephone. When she expressed her inability to arrange the money, she was abused in filthy language and assaulted by means of fist and kick blows. After one month, the informant went to his daughter's matrimonial house for amicable settlement, but his efforts were in vain. Hence the FIR.

4. In this case charge sheet has been filed on 28.12.2023. From the reading of the charge sheet, it reveals that the deceased has committed suicide by injecting paraquat poison. The informant is the father of the deceased. He has now settled the dispute with the petitioners and he has also filed an affidavit before this Court on 01.05.2024 inter alia stating that he does not want to prosecute the petitioners because the case was filed on



misunderstanding. He has also stated that he was unaware of the fact that his daughter has committed suicide.

5. The petitioners and opposite party no.2 are present in person along with their respective counsel and filed their self attested photocopies of their respective Adhar Cards to establish their identity. The same are taken on record.

6. Learned counsel for the State submits that the allegations are serious in nature exercising of Section 482 of Cr. P.C. jurisdiction should be sparingly use in such case. He wants to support his contention by way of judgments of the Hon'ble Supreme Court and different High Courts. Therefore, he seeks for an adjournment.

7. The personal appearance of the petitioners and opposite party no.2 is dispensed with.

8. List this matter on 24th of September, 2024.

9. In view of the peculiarity of the present case, further proceeding in G.R. Case No.264 of 2023 pending in the Court of learned J.M.F.C., Nayagarh shall remain stayed till the next date of hearing."

7. The matter was essentially adjourned on that day on the request of the learned State counsel, who opposed quashing of the entire proceeding in view of the nature of allegations against the petitioners. However, when the matter is taken up today for hearing, learned counsel for the State submits that he



has nothing to say in the matter since the parties have settled their dispute. He submits that this court can exercise the inherent and discretionary jurisdiction on the facts of the case and the entire dispute to quietus.

8. The opposite party no.2 has filed an affidavit dated 09.05.2024, relevant portion of which reads thus:

“1. That deponent is the informant in Itamati P.S. Case No.92 of 2023 corresponding to G.R. Case No.264 of 2023 pending in the Court of the learned J.M.F.C., Nayagarh.

2. That the FIR in the present case was filed being instigated by some villagers who were inimical to the petitioners and his family members and having now learnt that my daughter who was ill had committed suicide by consuming pesticide because of unbearable pain deponent does not wish to proceed with the case any further.

3. That the deponent had named petitioners who are the widower husband and parents-in-law’ of his deceased daughter in the FIR being misguided by some of their co-villagers who were inimical to the Petitioners.”

9. Learned counsel appearing for the informant/opposite party no.2 again reiterated his stand and submits that that the F.I.R. was registered against the petitioners on the insistence of the villagers those who were in inimical terms with the petitioners. He further



submits that the daughter of the opposite party no.2 had died by committing suicide. He further submits that the daughter has committed suicide out of frustration because she was not keeping well for prolonging period of time.

10. Mr. Devashis Panda, learned counsel for the petitioners has brought to the notice of this Court the judgment dated 31.07.2026 passed by the Coordinate Bench of this Court in **CRLMC No.4053 of 2025, Ajay Kumar Mallick @ Ajay Kumar Mallick & Ors. vs. State of Odisha**. The facts of that case are akin to the facts of the present case. In that case as well, the accused persons approached this Court seeking quashing of the entire criminal proceeding initiated against them. In that case also the cognizance of the offences punishable under Sections 108, 80(2), 85 and 3(5) of the BNS, 2023 was involved, which corresponds to the offences punishable under Sections 306, 498-A, 304-B, 34 of the IPC. The allegation in that case and the allegation in the present case are quite similar.

11. Taking note of the fact scenario of the case and the fact that the parties had settled their dispute and the affidavit filed by the informant and relying upon the judgments in the cases of **Gian Singh vs. State of Punjab** reported in **(2012) 10 SCC 303** and **Narinder Singh vs. State of Punjab**, reported in **(2014) 6 SCC 466**, the Coordinate Bench, by invoking the inherent jurisdiction under Section 528 of the BNS, 2023,



quashed the entire proceeding. Paragaphs-10, 11, 12 and 13 of the said judgment reads thus:

“10. Applying the aforesaid principles to the facts of the present case, it is evident that the prosecution was initiated on the allegation that the deceased had been murdered and that her death was subsequently given the appearance of suicide. However, the post-mortem report placed on record records the cause of death as the combined effect of asphyxia and venous congestion due to ante-mortem hanging. The post-mortem examination does not record any external injuries, marks of struggle or other findings suggestive of homicidal violence.

11. This Court also takes note of the affidavit filed by the informant before this Court. The informant has stated that the FIR came to be lodged while she was under mental distress upon receiving information regarding the demise of her daughter and that, upon considering the subsequent developments and the medical evidence available on record, she does not wish to pursue the criminal proceedings any further. She has further stated that she has no objection to the quashing of the proceedings and that she does not seek to attribute any further allegations against the petitioners.

12. It is also relevant to note that the parties have arrived at an amicable resolution and that the informant has acknowledged receipt of the articles belonging to the deceased, which were returned by the petitioners.



However, this Court is conscious of the fact that the allegations in the present case relate to offences arising out of the unnatural death of a married woman and, therefore, require a careful examination before exercising the inherent jurisdiction. The mere existence of a settlement between the parties cannot be the sole basis for quashing criminal proceedings involving such allegations.

13. While considering whether the continuation of proceedings would amount to an abuse of the process of the Court, this Court is required to examine the peculiar facts and circumstances of the case. In the present matter, the allegation that the deceased had been murdered and her death was given the appearance of suicide is not supported by the medical opinion available on record, which records the cause of death as ante-mortem hanging and does not indicate any external injuries or signs suggestive of homicidal violence.”

12. In the considered view of this Court, the judgment of the Coordinate Bench dated 31.07.2026 passed in CRLMC No.4053 of 2025 is squarely covered with the present case. Moreover, it is apparent from the record that the opposite party no.2, who is informant in the present case, has filed an affidavit not supporting the prosecution. Therefore, putting the petitioners to the trial would definitely be a futile exercise. There is blink chance on the part of the prosecution to secure



conviction in the fact scenario of the present case. Therefore, the case of the petitioners is directly covered by the judgments of the Hon'ble Supreme Court in the cases of ***Gian Singh v. State of Punjab and another***, reported in **2012 (10) SCC 303**; ***B.S. Joshi & others v. State of Haryana & another***, reported in **(2003) 4 SCC 675** and ***Madhavrao Jiwajirao Scindia & another v. Sambhajirao Chandrojirao Angre and others***, reported in **AIR 1988 SC 709**, hence, the petition deserves merit.

13. Therefore, on the anvil of the principles laid down by the Hon'ble Supreme Court and the Coordinate Bench of this Court, if the fact scenario of the present case is weighed the prayer made by the petitioners invoking the jurisdiction under Section 482 Cr. PC deserves merit. Accordingly, the present petition being meritorious is allowed.

14. Taking into consideration the aforementioned judgments, the facts of the case and submissions made at the Bar, the F.I.R. in connection with Itamati P.S. Case No.92 of 2023 corresponding to G.R. Case No.264 of 2023 pending in the Court of learned S.D.J.M., Nayagarh and the consequential proceedings arising therefrom including the impugned order dated 02.01.2024 passed by the learned S.D.J.M., Nayagarh in G.R. Case No.264 of 2023 arising out of Itamati P.S. Case No.92 of 2023 qua the petitioners stands quashed.



15. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Subhasis

Signature Not Verified

Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 03-Sep-2026 17:53:11

