

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CRLMC No.139 of 2022**

***Pravudutta Patra & others*** ..... ***Petitioners***  
***Mr. Debasis Tripathy, Adv.***

-versus-

***State of Odisha & Anr.*** ..... ***Opposite Parties***  
***Mr. M.K. Mohanty, ASC***

**CORAM:**  
**MR. JUSTICE S.K. PANIGRAHI**

**ORDER**  
**28.01.2022**

**Order No.**

01. 1. This matter is taken up virtual mode.
2. Heard learned counsel for the parties.
3. The petitioners have filed this CRLMC with a prayer to quash the F.I.R. and the criminal proceeding against them vide Mahila P.S. Case No. 74 of 2021 for the offence under Section 498-A/323/294//506/307/354/34 of the I.P.C. read with Section 4 of the D.P. Act corresponding to C.T. Case No. 3708 of 2021 on the file of learned S.D.J.M., Bhubaneswar on the ground of compromise.
4. Learned counsel for the petitioners submits that due to continuous harassment by opposite party No.2 and her reluctance to stay in in-law's house, the petitioner No.1 approached the learned Judge, Family Court, Bhubaneswar Under Section 13(1) of Hindu Marriage Act vide C.P. No.777 of 2021. During pendency of the said C.P., they have settled

their disputes. On 01.12.2021 the petitioner no.1 and the opposite party no.2 had filed a joint application before the said Court under Order 23, Rule-3 of C.P.C.

As per the terms and conditions of the Settlement as mentioned in the said application, it has been allowed by the learned Judge, Family Court, Bhubaneswar vide the judgment and order dated 01.12.2021 and accordingly, the marriage between the petitioner no.1 and the opposite party no.2 has been dissolved by a decree of divorce on mutual consent with effect from the date of decree mor particularly based on Condition No.IV of the said application which is extracted hereunder:

*“IV. That the petitioner and his parents will withdraw or take steps to close all cases which they have filed against the Respondent. Similarly, the respondent will withdraw or take steps to close all such cases which she has filed against the petitioner and his family members.”*

5. Further it is pertinent to mention here that keeping in view the ratio decided by the Hon'ble Supreme Court in the case of **B.S. Joshi and others vrs. State of Haryana**<sup>1</sup>, this Court is of the opinion that in view of the compromise between the parties, there is no need to proceed with the criminal trial, as the only possible outcome is of acquittal of the petitioners. There is remote and bleak possibility of conviction of the petitioners in this case. Hence, to prevent the abuse of process of law, the criminal trial against the petitioners should be quashed.

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<sup>1</sup> (2003) 4 SCC675

6. Accordingly, the CRLMC is allowed. The criminal proceeding in C.T. Case No.3708 of 2021 arising out of Bhubaneswar Mahila P.S. Case No.74 of 2021 pending in the court of the learned S.D.J.M., Bhubaneswar is hereby quashed. The compromise petition filed by the petitioner in the C.P. Case No.777 of 2021 along with affidavit filed by the petitioner no.2 shall form a part of the records.

7. The CRLMC is disposed of, accordingly.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7<sup>th</sup> January, 2022.

( *S.K. Panigrahi* )  
*Judge*

*LB*