



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 10 OF 2023

[Sanjay S/o Mahalmal Duhilani and ors. **vs.** State of Orissa through its
Investigating Officer, P.S. Bandamunda, Rourkela, Odisha and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. S. Dewani, Advocate for the petitioners
Mr. K. R. Lule, APP for the State/respondent no. 3
Mr. Shrikant Sahoo, Advocate for respondent no. 2 through V.C.
Mr. Shrikant Khamri, Inspector of Police for respondent no. 1 through
V.C.

CORAM: ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATED : 01-10-2025.

On previous date, following order was passed.

“Heard.

2] *The petitioners are seeking to quash the First Information Report (F.I.R.) registered vide Crime No. 57/2022 with Bandamunda Police Station, District – Rourkela, for the offences punishable under Sections 498A, 323 and 506 read with Section 34 of the Indian Penal Code, 1860, and Section 4 of the Dowry Prohibition Act, 1961.*

3] *The learned Counsel for the petitioners submits that the parties have settled the dispute, and have filed memorandum of understanding to that effect (page 104 – Annexure F).*

4] *Respondent nos. 1 and 2 are present on V.C. Respondent no.2 submits that she has willingly settled the matter and has signed the memorandum of understanding. She further submits that she has no objection, if the F.I.R. is quashed.*

5] *The only issue is that the person, who is appearing before us as respondent no.2, has been not identified by anybody. Respondent no.2 is residing at Odisha. 6] Accordingly, the parties are directed to take steps as regards identification of respondent no.2. 7] Kept back at 2:30 pm.*

(JUDGE)

(JUDGE)

LATER ON AT 2:30 PM

8] *The Counsel for the petitioners submits that respondent no.2 is not responding to the call. So far as respondent no.1 is concerned, we are informed that he is busy in investigation and, therefore, he is unable to connect through V.C. Thus, the issue of identification of respondent no.2 remains unaddressed.*

9] *Issue fresh notice to respondent no.2 returnable on 1/10/2025 with a rider that if respondent no.2 fails to appear, despite service, the Court will have to issue warrant against her to seek her presence before the Court. The notice, so issued, shall indicate the same.*

10] *Respondent no.3 shall transfer the notice to respondent no.1 for service upon respondent no.2.*

11] *In addition to above, the petitioners may serve respondent no.2 through speed post, and file affidavit of service.*

12] *List on 1/10/2025."*

2. In response to order, respondent no. 2 along with her counsel Mr. Shrikant Sahoo is present through video conferencing. Mr Sahoo has identified respondent no. 2.

3. Mr. Shrikant Khamri, Inspector of Police is present for respondent no. 1 through video conferencing.

4. Since the parties have settled the dispute and since respondent no. 2 is not willing to prosecute the cause. Thus, the parties have decided to put to rest the issues and to lead peaceful life. In the circumstances, continuation of the proceedings will yield no fruitful result, rather will unnecessarily cause harassment to the parties, particularly, respondent no. 2, who is residing at Bandamunda, District Rourkela, State Orissa.

5. In the circumstances, though offence punishable under Section 498-A of the Indian Penal Code is non compoundable, considering the subsequent developments, we are inclined to grant relief to the parties. Accordingly, the petition is allowed

in terms of prayer clause (A) which reads as under.

“A) Quash and set aside the FIR registered vide Crime No. 0057/2022 (“Annexure-A”), with the Bandamunda Police Station, Rourkela (Respondent No. 1), for the offences punishable under Section 498A, 323, 506, 34 of I.P.C & Section 4 of Dowry Prohibition Act 1961;”

6. The petition is disposed of accordingly.

(S. S. THOMBRE, J.)

(A. L. PANSARE, J.)

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