IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 673 of 2026

Rachama Palata @ Rutama Palta & Others ..... ***Petitioner(s)***

Mr. Mitu Kumar Biswal, Adv.

-Versus-

State of Odisha & Anr. ..... ***Opposite Party(s)***

Mr. Tej Kumar, ASC

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
09.04.2026

Order No.

02.

1. This matter is taken up through hybrid arrangement.
2. Though service is completed, none appears on behalf of the Opposite Party No.2 at the time of call.
3. Heard.
4. The Petitioners have approached this Court by invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (now corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), seeking abashment of the entire criminal proceeding arising out of R. Udayagiri P.S. Case No.83 of 2024, which has culminated in S.T. Case No.124 of

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2024 and is presently pending before the learned Additional Sessions Judge, Paralakhemundi, Gajapati.

5. It is submitted on behalf of the Petitioners that the continuation of the impugned criminal proceeding would amount to a manifest abuse of the process of Court and that the allegations contained in the F.I.R., even if taken at their face value and accepted in their entirety, do not prima facie disclose the commission of any cognizable offence so as to warrant their prosecution. The Petitioners contend that the initiation as well as continuation of the prosecution is legally unsustainable and, therefore, liable to be interdicted at the threshold in exercise of the extraordinary jurisdiction of this Court.

6. The scope and ambit of the inherent power under Section 482 Cr.P.C. is no longer res integra. Though the power is of wide amplitude, it is circumscribed by self-imposed judicial restraints. The inherent jurisdiction is to be exercised sparingly, with circumspection, and only in those exceptional cases where the Court is satisfied that failure to intervene would result in palpable injustice or abuse of the process of law. It is equally well settled that such power cannot be invoked to stifle a legitimate prosecution or to short-circuit a trial at its nascent stage.

7. The principles governing the exercise of such jurisdiction have been authoritatively expounded by the Hon'ble Supreme Court in

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State of Haryana v. Bhajan Lal[1] , wherein illustrative categories were delineated indicating the circumstances in which criminal proceedings may justifiably be quashed. Unless the case of the Petitioners demonstrably falls within the parameters so enunciated, interference at this stage would be wholly unwarranted.

8. The prosecution case, in brief, is that on 30.05.2024 at about 3.00 P.M., the informant appeared before R. Udayagiri Police Station and lodged a written report alleging inter alia that she had solemnized her marriage on 23.11.2022 with one Subodh Kumar Pradhan of her native village in accordance with Christian rites and customs. At the time of marriage, it is alleged that her father had given her approximately two tolas of gold ornaments, while her husband had presented her with one gold chain weighing about one tola and a gold ring. After the marriage, the informant was taken by her husband to a rented house situated at 3rd Lane, Bank Colony, Berhampur, under Baidyanathpur Police Station, behind M.K.C.G. Medical College and Hospital, where they began to reside. It is alleged that within eight days of the marriage, her husband started visiting Bhubaneswar frequently on the pretext of work, staying there during the night and returning to the rented house during the day. The informant

[1] 1992 Supp (1) SCC 335

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claims that upon developing suspicion regarding his conduct and making inquiries with the family members, she was met with indifferent and hostile behaviour. According to her, she was denied proper food and basic necessities and was subjected to demands for additional dowry, including a sum of ₹1,00,000/- along with other articles. The informant further alleges that after about two months of marriage, she was subjected to both mental and physical cruelty in connection with the alleged dowry demand. It is also stated that her gold ornaments were forcibly taken and pledged with Muthoot Finance at Berhampur. Upon being unable to endure the alleged harassment, she informed her father of the situation, and on 13.02.2023, her father came to Berhampur and took her back to her parental home. Subsequently, the informant registered her pregnancy at the local Anganwadi Centre and received the requisite T.T. injection. She claims to have informed her husband of her pregnancy. Thereafter, she was allegedly misled with false information that her husband had sustained injuries in a vehicular accident. Acting upon such information, she immediately proceeded to the Pushpanjali residence at 3rd Lane, Bank Colony, where she discovered that the information was untrue. It is further alleged that the family members then exerted pressure upon her to terminate the pregnancy, which she refused. Consequent upon

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these events, she lodged the F.I.R. in question. Upon completion of investigation, the Investigating Agency submitted charge-sheet on 12.07.2023 against the accused persons, whereafter the case was committed and is now pending as S.T. Case No.124 of 2024 before the learned Additional Sessions Judge, Paralakhemundi, Gajapati.

9. Learned counsel for the Petitioners submits that although the names of the present Petitioners do not find place in the F.I.R., the Investigating Agency has nevertheless submitted charge-sheet dated 03.07.2024 arraying them as accused persons along with other in-law family members of the complainant. It is contended that such implication is wholly unwarranted and unsupported by any substantive material collected during investigation.

10. It is further argued that neither the F.I.R. nor the statements of witnesses recorded under Section 161 Cr.P.C. attribute any specific overt act of assault, cruelty, or dowry demand to the present Petitioners. According to the learned counsel, there is not even a whisper of any direct allegation against them, save and except certain vague and omnibus assertions regarding their occasional visits to the matrimonial house, they being neighbours. Such bald and generalized allegations, it is urged, do not satisfy the legal requirement of specific accusation so as to constitute the alleged offences.

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11. Learned counsel further submits that the discord in the matrimonial relationship primarily arose on account of personal differences between the husband and wife, allegedly stemming from an extra-marital issue, and in the wake of such strained relations, the complainant has roped in all family members indiscriminately, including the present Petitioners, with an oblique motive. It is thus contended that the Petitioners are in no manner connected with the alleged offences and that their prosecution would amount to sheer harassment and abuse of the process of Court.

12. He further relies on the judgment in case of ***Dara Lakshmi Narayan and others vs. State of Telengana and another***[2] . The relevant portion of the judgment is extracted hereinbelow: -

> *"We, therefore, are of the opinion that the impugned FIR No.82 of 2022 filed by Respondent 2 was initiated with ulterior motives to settle personal sources and grudges against appellant 1 and his family members i.e. appellants 2 to 6 herein. Hence, the present case at hand falls within category (7) of illustrative parameters highlighted in Bhajanlal. Therefore, the High Court in the present case, erred in not exercising the powers available to it under section 482 Cr.P.C. and thereby failed to prevent abuse of the court's process by continuing the criminal prosecution against the appellants."*

13. Upon hearing learned counsel for the Petitioners and upon careful perusal of the averments made in the present petition as well as the materials placed on record, this Court finds that the

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[2] (2025) 3 SCC 35

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allegations against the present Petitioners are omnibus in nature and bereft of any specific attribution of overt acts constituting the alleged offences. The F.I.R. and the statements recorded during investigation do not disclose any prima facie material indicating their active involvement in the alleged acts of cruelty or dowry demand.

14. In the absence of specific and credible allegations, permitting the criminal prosecution to proceed against the Petitioners would amount to subjecting them to unwarranted harassment and would constitute an abuse of the process of Court. The inherent jurisdiction of this Court is therefore rightly invocable to secure the ends of justice.

15. Accordingly, the prayer advanced by the Petitioners merits acceptance. The entire criminal proceeding against the present Petitioners in connection with R. Udayagiri P.S. Case No.83 of 2024 corresponding to S.T. Case No.124 of 2024, pending before the learned Additional Sessions Judge, Paralakhemundi, Gajapati, is hereby quashed. The CRLMC stands disposed of, accordingly.

(Dr. Sanjeeb K Panigrahi)
Judge

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