IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.852 of 2026

Manjit @ Mandeep Kaur **....** ***Petitioner(s)***

Mr. Siddharth Prasad Mishra, Adv.

-versus-

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

Mr. Raj Bhusan Dash, ASC (for O.P. No.1)
Mr. Sarada Prasad Dash, Adv. (for O.P. No.2

CORAM:
HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

Order No.	**ORDER**
03.	**09.04.2026**

1. This matter is taken up through hybrid arrangement.

2. By filing the present CRLMC, the Petitioner has prayed for quashing for entire criminal proceeding initiated against him in connection with Udit Nagar P.S. Case No.64 of 2016, corresponding to G.R. Case No.371 of 2016 pending before the Court of learned S.D.J.M.(P), Rourkela.

3. Heard.

4. The prosecution case, in short, is that on 12.03.2016, Opposite Party No.2 filed a written complaint before the I.I.C. of Udit Nagar Police Station alleging that she had earlier filed a written report at the same police station on 11.03.2016 against her mother-in-law, Kamaljit Kaur, sister-in-law Manjit Kaur and brother-in-law Amanjit Singh. On the same night, the above-mentioned persons allegedly assaulted her. It was further alleged that on the next day at about 9:00 a.m., they again

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brutally assaulted her, as a result of which she sustained bleeding injuries on different parts of her body. Based on the said information, the I.I.C. of Udit Nagar Police Station registered the present case for offences punishable under Sections 498-A, 323, 354, 506 and 34 of the IPC.

5. Learned counsel for the respective parties submit that, in the interregnum, the dispute between the parties has been amicably settled. In support thereof, a joint affidavit dated 07.04.2026 is filed in Court today, which is taken on record.

6. The relevant portion of the joint affidavit filed by both the parties is extracted hereunder:

> *"xxx xxx xxx*
>
> *3. That it is humbly submitted that during pendency of the above mentioned CRLMC application, both the party have settled their dispute amicably with the help of both their family members and village gentries. Pursuant to the settlement the Opp. Party No.2 staying with her husband separately from her in-laws member. In view of the development she do not want to proceed with the case further more. They have also no objection if the criminal proceeding will be quashed.*
> *4. That in view of the settlement if the criminal proceeding will be allowed to continue we both parties will suffer irreparable loss and injuries.*
> *5. That, we have filed this joint affidavit without any fear, threat coercion from any corner and being present at court."*

7. Learned counsel for the State so also learned counsel for Opposite Party No.2 submits that looking to the overall circumstances and since the parties have amicably settled the matter amongst themselves and are no longer interested in supporting the

prosecution; no useful purpose will be served in continuing with these proceedings.

8. Consequently and looking to the decision of the Supreme Court in ***Gian Singh v. State of Punjab***[1], which has referred to a number of matters for the proposition that even a non-compoundable offence can also be quashed on the basis of a settlement between the offender and the victim, if the circumstances so warrant; by observing as under:

> *"58…....However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated*."

9. Similarly, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***[2] where the Supreme Court held as follows: -

[1] (2012) 10 SCC 303
[2] Decided in Criminal Appeal No.686 of 2014 on 27.03.2014

"31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(i) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

(ii) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any Court.

…….."

10. In the case of ***B.S. Joshi & Ors. v. State of Haryana & Anr.***[3], wherein the Supreme Court held as follows:

"8. It is, thus, clear that Madhu Limaye's case does not lay down any general proposition limiting power of quashing the criminal proceedings or FIR or complaint as vested in Section 482 of the Code or extra ordinary power under Article 226 of the Constitution of India. We are,

[3] (2003) 25 OCR (SC) 99

therefore, of the view that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power.

xxx xxx xxx

***10**. In State of Karnataka v. L. Muniswamy & Ors. [(1977) 2 SCC 699], considering the scope of inherent power of quashing under Section 482, this Court held that in the exercise of this wholesome power, the High Court is entitled to quash proceedings if it comes to the conclusion that ends of justice so require. It was observed that in a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice and that the ends of justice are higher than the ends of mere law though justice had got to be administered according to laws made by the legislature. This Court said that the compelling necessity for making these observations is that without a proper realization of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction. On facts, it was also noticed that there was no reasonable likelihood of the accused being convicted of the offence. What would happen to the trial of the case where the wife does not support the imputations made in the FIR of the type in question. As earlier noticed, now she has filed an affidavit that the FIR was registered at her instance due to temperamental differences and implied imputations.*

There may be many reasons for not supporting the imputations. It may be either for the reason that she has resolved disputes with her husband and his other family members and as a result thereof she has again started living with her husband with whom she earlier had differences or she has willingly parted company and is living happily on her own or has married someone else on earlier marriage having been dissolved by divorce on consent of parties or fails to support the prosecution on some other similar grounds. In such eventuality, there would almost be no chance of conviction. Would it then be proper to decline to exercise power of quashing on the ground that it would be permitting the parties to compound non-compoundable offences. Answer clearly has to be in 'negative'. It would, however, be a different matter if the High Court on facts declines the prayer for quashing for any valid reasons including lack of bona fides.

***11**. In Madhavrao Jiwajirao Scindia & Ors. v. Sambhajirao Chandrojirao Angre & Ors. [(1988) 1 SCC 692], it was held that while exercising inherent power of quashing under Section 482, it is for the High Court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. Where, in the opinion of the Court, chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, also quash the proceedings.*

***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."

11. In light of the aforesaid settled position of law, this Court is of the considered opinion that the aim and object of the legal system is not merely to punish the offender, but equally to preserve and promote peace, tranquillity and harmony in society. In disputes arising out of matrimonial relationships, a pragmatic and humane approach is required, keeping in view the delicate nature of such relationships and their impact on the social fabric.

12. This Court is further of the view that efforts ought to be made to encourage reconciliation and amicable settlement between the parties, so as to enable them to reflect upon their respective shortcomings and resolve their disputes through mutual consent. Prolonged adversarial litigation in matrimonial matters not only aggravates bitterness between the parties but also results in unnecessary consumption of judicial time.

13. Therefore, relying upon the law laid down by the Supreme Court and the facts of the case, this Court in exercise of its inherent powers under Section 528 of BNSS, allow the present application and quash the entire criminal proceeding initiated against the Petitioner in connection with Udit Nagar P.S. Case No.64 of 2016, corresponding to G.R. Case No.371 of 2016 for the offences punishable under Sections 498-A/323/34 of IPC, pending before the Court of learned

S.D.J.M.(P), Rourkela on the basis of compromise so entered between the parties.

14. Accordingly, the CRLMC stands disposed of.

15. Pending application (s), if any, stand disposed of.

16. Issue urgent certified copy of this order as per Rules.

17. A copy of this order be communicated to the learned trial Court for information.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun