IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2138 of 2026
CNR No.ODHC010491452026

Sagarika Mohapatra .... **Petitioner**

Mr. Pradip Kumar Ray, Advocate

-versus-

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

Mr. S.J. Mohanty, ASC
Mr. Sambhu Charan Nath Sharma, Advocate for O.P. No.2

CORAM:
HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Order No.
02.

ORDER
30.10.2026

1. Heard.

2. At the instance of the petitioner, the F.I.R. in connection with Industrial P.S. (NISA) Case No.160 of 2025 corresponding to G.R. Case No.652 of 2025 came to be registered against the opposite party no.2 for the alleged commission of the offences punishable under Sections 85/115(2) of the BNS, 2023, pending in the Court of the learned J.M.F.C., Chhendipada.

3. On 05.06.2025, the complainant reported at the police station alleging therein that on 30.05.2025 night, her husband started beating her mercilessly for which, she ran away from the house and took shelter

in the house of her friend. On the very next day, she informed the said fact to her parents as well in-laws. Both her parents and in-law members came but they refused to solve the matter. Hence, the case.

4. The petitioner is the wife of the opposite party no.2. Due to the matrimonial discord, she had registered the case against the opposite party no.2. Now, since the parties have settled their dispute and resumed their happy marital life, the petitioner being the complainant, herself has approached this Court seeking quashing of the entire criminal proceeding initiated by her against her husband. The petitioner as well as the opposite party no.2 are present in the Court today. They are being identified by their respective counsel. They have also filed their respective self-attested Aadhaar Cards to establish their identity, which are taken on record.

5. The parties have also filed the joint affidavit on 30.10.2026, *inter alia*, stating as under:

> *"1. (wife) Sagarika Mohapatra, aged about 37 years, W/o. Sri Niladrish Kinkar Biswal, resident of Goshala Road, P.O.- Nayabazar, P.S.- Madhupatna, District- Cuttack, 753004, occupation- Teacher.*
>
> *2. (Husband) Niladrish Kinkar Biswal, aged about 43 years, S/o. Sri Gouranga Charan Biswal, permanent resident of Goshala Road, P.O.- Nayabazar, P.S.- Madhupatna, District- Cuttack, 753004. Occupation- Asst. Manager in Jindal Steel and Power and presently residing in Qrs. No.20/5, Jindal Nagar, P.S.- NISHA, Angul, District- Angul, do hereby jointly*

solemnly affirm and state as follows:-

i). That, we are the legally married wife and husband since 30.01.2013 and blessed with a male child named, Ayas Kanta Biswal who is now 5 years.

ii) That, due to some misunderstanding between us on 30.05.2025, some disturbance cropped up and in that spur of moment Deponent No.1 lodged FIR before Industrial Police Station (NISHA).

iii) That, Deponent No.1 settled up the matter with Deponent No.2 and both of us have resumed our peaceful family life since 23.11.2025.

iv) That, after the family settlement the Deponent No.1 went to Industrial Police Station (NISHA) to withdraw the FIR, and there she was intimated that charge sheet has already been submitted in the Court of JMFC, Chhendipada in G.R. Case No.652/2026 arising out of FIR Dt. 05.06.2026 before Industrial Police Station (NISHA) Angul.

v) That, at Chhendipada, Deponent No.1 learnt that basing upon the charge sheet, cognizance of offence has been taken on 3.1.2026 U/s. 85/115(2) BNS which was not compoundable, hence approached Hon'ble High Court in this case to quash the order dt. 3.1.2026 of taking cognizance of offence U/s. 85/115(2) BNS and further proceeding of the G.R. Case No.652/2026."

6. On query from the Court, the petitioner, who is the wife of the opposite party no.2, specifically states that since she has resumed the conjugal life and she is living happily with her husband, she does not want to

prosecute her husband on the complaint filed by her. The learned counsel for the petitioner submits that relying upon the statement of the petitioner and the joint affidavit filed by both the parties, the criminal proceeding initiated by her against her husband may be quashed.

7. Learned counsel for the State submits that since the parties have settled their dispute and they have filed the joint affidavit in that regard and there is no legal impediment, the same may be quashed.

8. Regard being had to the affidavit sworn by the parties and the settlement made between the parties before the Court, I am inclined to allow the present petition. In the fact scenario of the case, subjecting the petitioner to the rigors of trial is destined to be a futile exercise. The present case is squarely 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,*** therefore, the petition deserves merit.

9. Taking into consideration the aforementioned judgments, the facts of the case and submissions made at the Bar, the F.I.R. in connection with Industrial P.S. (NISA) Case No.160 of 2025

corresponding to G.R. Case No.652 of 2025 pending in the Court of learned J.M.F.C., Chhendipada and the consequential proceedings arising therefrom qua the petitioner are quashed.

10. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Subhasis

Signature Not Verified
Digitally Signed
Signed by: SUBHASIS MOHANTY
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 31-Oct-2026 16:36:30