IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2489 of 2026
CNR No. ODHC010553392026

Saroj Harijan @ Sarada Harijan …. ***Petitioner(s)***

Mr. S.K. Sethi, Advocate

-versus-

State of Odisha & Anr. …. ***Opp. Party(s)***

Mr. U.R. Jena, AGA

Ms. S. Samantray, Advocate (O.P.2)

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **06.11.2026**

02. 1. Heard.

2. The petitioner by invoking inherent jurisdiction of this Court under Section 528 BNSS is seeking quashing of the entire criminal prosecution in connection with Jeypore Mahila P.S. Case No. 45 of 2023 corresponding to G.R. Case No. 422 of 2023 pending before the file of learned SDJM, Jeypore.

3. The matter was taken up on 04.08.2026 and the following order was passed:-

"1. This matter is taken up through Hybrid

Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner, as well as the learned counsel appearing for the Opposite party No.2-informant-wife, who has appeared on her own motion without notice being issued to such Opposite Parties and learned counsel for the State for the Opposite Party No.1.

3. Since the Opposite Parties have already appeared, there is no need to issue notice to the Opposite Parties.

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner, who happens to be the husband of the Opposite Party No.2, has approached this Court by filing the present application under Section 528 of the B.N.S.S., with a prayer for quashing of the entire criminal proceeding in Jeypore Mahila P.S. Case No.45 of 2023 which corresponds to G.R. Case No.422 of 2023, pending in the Court of learned S.D.J.M., Jeypore, on the ground that the matter has been amicably settled at the District Mediation Centre.

5. Learned counsel appearing for the Petitioner and the informant sought for some time to file joint affidavit.

6. Considering such submissions, they are granted two weeks' time to file such joint affidavit after serving a copy thereof on learned counsel for the State. Learned counsel for the State, upon receiving a copy of such joint affidavit shall obtain instructions from the I.I.C. of the concerned police station.

7. List this matter in the week commencing 7th September, 2026."

4. The Mediator, District Mediation Centre, Jeypore has filed the mediation report dated 20.05.2026, which reads as under:-

"Being entrusted as Mediator in the above

referred case, I am to submit that, parties attended through their advocates appeared before the Mediation Centre, Jeypore. On mediation both the parties settled their matter and filed memorandum of agreement. Mediation is successful. The mediation report along with the agreement filed by both the parties is enclosed herewith in closed cover.

This is for favour of kind information and necessary action."

5. Pursuant to the aforementioned order, the parties have filed joint affidavit, which reads as under:-

"2. That during the pendency of the proceeding before the learned Trial Court, the matter was referred to the District Legal Services Authority (DLSA), Koraput at Jeypore for mediation. Both the Petitioner and Opposite Party No. 2 participated in the mediation proceedings.

3. That in the course of the mediation proceedings, we have both amicably settled our differences, disputes, and matrimonial misunderstandings to our mutual satisfaction before the learned Mediator. A memorandum of agreement was executed, and the mediation report dated 20.05.2026 was submitted to the learned SDJM, Jeypore.

4. That we agree and hereby state that we have reached the settlement voluntarily without any coercion, undue influence, or threat from any corner. The settlement is effectuated by us after full and fair discussion.

5. That we recognize that this compromise and amicable settlement serves the interest of justice, promotes social and matrimonial harmony, and reduces unnecessary litigation and mental agony to both of us.

6. That we, the petitioner and opp.party no.2, affirm that the settlement is made in good faith,

with no malice or ulterior motives, and with sincere intention to abide by its terms.

7. That Opp.Party No. 2 hereby declares that there are no ongoing grievances, claims, or allegations against Petitioner. Opp.Party No. 2 also agrees to discontinue all legal proceedings related to the matter of her own free will.

8. That Opp.Party No. 2 declares and states that she has no objection to the present CRLMC application and has no objection in the event the entire criminal proceeding pertaining to Jeypore Mahila P.S. Case No. 45 of 2023 corresponding to G.R. Case No. 422 of 2023, pending in the court of learned SDJM, Jeypore against deponent no.1/petitioner is quashed.

9. That the Petitioner further states and declares that he has no counter claims/allegations against Opp.Party No. 2. Opp.Party No. 2 further undertakes to appear and depose to the contents of this affidavit if directed by this Hon'ble Court.

10. That we undertake that we shall not threaten, intimidate, or harass each other in any manner in future. We agree to maintain peace and harmony, to live together lawfully as husband and wife, and to refrain from any conduct that could lead to further dispute or disturbance.

11. That we further state that neither of us shall lodge any case, complaint, or legal action against each other in relation to the present dispute.

12. That in consideration of the compromise and amicable settlement, both parties release and discharge each other from all claims, demands, and liabilities related to the dispute that existed prior to this affidavit.

13. That we have read and understood the contents of this joint affidavit, and after fully understanding the same (explained in Odia), we have affixed our signatures."

6. On the basis of the settlement arrived at between the parties before the District Mediation Centre, Jeypore coupled with the joint affidavit filed by the parties, the petitioner is seeking quashing of the entire criminal prosecution initiated by the opposite party no.2 against him.

7. The petitioner and the informant-opposite party no.2 are present in Court and they have been identified by their lawyers. Both the parties undertake to comply the terms of settlement as enumerated in the mediation report, which is form part of this order.

8. Learned counsel for the State submits that since the parties have already settled their dispute amicably, there is no legal impediment to quash the proceeding.

9. Regard being had to the aforementioned, since the parties have settled the dispute before the High Court Mediation Centre, I am inclined to allow the present petition. Further, continuation of the present proceeding will not inure to the benefit to either parties and, therefore, in this circumstance subjecting the petitioner to rigors of the trial is destined to be futile exercise. Hence, the present case is directly covered by the judgment of the Hon'ble Supreme Court in the cases of ***Gian Singh vs. State of Punjab and another***

reported in ***2012 (10) SCC 303*** and ***B.S. Joshi & others vs. State of Haryana & another*** reported in ***(2003) 4 SCC 675***.

10. Accordingly, the entire criminal prosecution in connection with Jeypore Mahila P.S. Case No. 45 of 2023 corresponding to G.R. Case No. 422 of 2023 pending before the file of learned SDJM, Jeypore and consequential proceedings arising therefrom stands quashed.

11. The CRLMC is disposed of.

Ashok

(S.S. Mishra)
Judge

Signature Not Verified
Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 12-Nov-2026 11:02:55