IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2896 of 2026

CNR No. ODHC010612222026

Trinath Dalai …. ***Petitioner(s)***

Mr. Prakash Kumar Samal, Advocate

-versus-

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

Mr. S.J. Mohanty, ASC

Mr. S.J. Nanda, Advocate (O.P.2)

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **30.10.2026**

04. 1. At the instance of the opposite party No.2, the F.I.R. in Khurda Town P.S. Case No. 477 of 2025 came to be registered against the petitioner corresponding to G.R. Case No. 9662 of 2025, pending in the court of the learned SDJM, Khurdha for the alleged commission of offence under Sections 115(2)/296/353(3)/85 of BNS, 2023.

2. The allegation against the petitioner, as per the FIR, is that on 08.11.2025 at 11.00 P.M. the complainant Namita Behera, D/o Jadumani Behera of Gurujanga PS-Model PS Dist-Khordha appeared at the police station and

presented a written report alleging there in that her husband is working at Bank of Baroda. She along with her son and husband were staying in a rented house. On 02.11.2025 due to a silly matter her husband tortured her physically and Mentally and assaulted, for which she reported before the police for taking legal action.

3. The petitioner has filed the present petition seeking quashing of the entire criminal prosecution initiated against him on the ground that the matter has been settled between them.

4. The petitioner and the informant-opposite party no.2 are present in Court and they have been identified by their lawyers. They have also filed the self-attested copies of their Aadhar cards to establish their identity, which are taken on record.

5. The opposite party no.2 has filed an affidavit dated 08.11.2025, inter alia, stating as under:-

> *"3. That, I was totally aware of the fact the he used to leave the bank after 7 PM completing his work and comes to home changing 2 (two) local trains, for which some unnecessary doubts developed in my mind that my husband is having illicit relationship with any other women for which he is returning so late as normally all offices are closed at 5 PM.*
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> *4. That, for the aforesaid reasons there was regular quarrel between us and finally I left the Mumbai house on dt.05.11.2025 by air to Bhubaneswar from where I went with my father to our house and*

filled the present FIR on dt.08.11.2025.

5. That, latter on the Inspector telephoned my husband who also appeared before the Inspector-in-Charge and questioned him about the facts of the case and released him on bail.

6. That, latter on the said Inspector-in-Charge telephoned me to meet him in the police station and made me understood that in big metro cities it is not possible to maintain a car to attend office and return home in time as due to the huge traffic it will not only take more time but also there is often chances of accident. Further the bank is also too far from our resident and normally people in Mumbai use Local Train for transport. I understood the cause of delay of my husband in reaching home.

7. That, my husband came to our village on dt.31.11.2025 and took us to Mumbai by air and since then we are living a peaceful life and there is no difference between us."

6. The informant-opposite party no.2, who is present in person, on query from the Court has stated that she has resumed her conjugal life and she is happy in her marriage. Hence, she does not want to proceed against the petitioner and she joins with the petitioner praying for quashing of the entire prosecution.

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

8. Regard being had to the allegation made by the informant/opposite party no.2 against the petitioner and

the fact that they have settled the dispute and filed affidavit before this Court, 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. The case of the petitioner 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***.

9. Accordingly, the entire criminal prosecution in connection with F.I.R. in Khurda Town P.S. Case No. 477 of 2025 corresponding to G.R. Case No. 9662 of 2025, pending in the court of the learned SDJM, Khurdha and consequential proceedings arising therefrom stands quashed.

10. 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: 30-Oct-2026 19:15:41