IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.3767 of 2023
CNR No.ODHC010661662023

Rupesh Kumar Gupta ..... ***Petitioner***

Represented by Adv. - Sudeep Kumar Sarangi

-versus-

State Of Odisha & Another ..... ***Opp. Parties***

Represented by Adv. - Bidesh Ranjan Behera

J. Nayak, AGA

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **18.11.2026**

07. 1. At the instance of Opposite Party No.2, Bargaon P.S. Case No.104 of 2022, corresponding to G.R. Case No.460 of 2022 was registered against the petitioner, who is her husband for commission of offences punishable under Sections 498-A, 323, 294, 506, 313 and 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961. The aforesaid G.R. Case is pending in the Court of the learned J.M.F.C., Rajgangpur.

2. The petitioner has approached this Court invoking its inherent jurisdiction seeking quashing of the aforesaid F.I.R. and all consequential proceedings arising therefrom on the ground of settlement.

3. It appears from the record that Opposite Party No.2 had instituted M.A.T. No.03 of 2023 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, seeking dissolution of her marriage with the petitioner. The said proceeding was allowed by the learned Senior Civil Judge, Rajgangpur, vide judgment dated 24.01.2025, thereby dissolving the marriage between them. In view of the dissolution of the marriage and the subsequent settlement between the parties, the present petitioner, who is the husband of Opposite Party No.2 has approached this Court seeking quashing of the criminal prosecution initiated against him in Bargaon P.S. Case No.104 of 2022 and the consequential proceeding arising therefrom.

4. Today, an affidavit dated 18.11.2026 has been filed by Opposite Party No.2, wherein she has, *inter alia*, stated as follows:

> *"2. That I am the informant in Bargaon P.S. Case No. 104/2022, corresponding to G.R. Case No. 460/2022, pending in the Court of the Ld J.M.F.C., Rajgangpur, which has been registered against the petitioners for offences u/s 498-A/323/294/506/313 and 34 of the IPC read with Section 4 of the Dowry Prohibition Act, 1961.*
>
> *3. That the petitioners have filed the CRLMC, seeking to quash the order of cognizance under Annexure-2 and consequently the FIR under Annexure-1.*
>
> *4. That since both the parties are residing separately and there is no chance of reunion, for which both the parties amicably agreed to settle all their disputes in the presence of the family members. And in the meantime, the Opposite Party No. 2 (wife) has obtained a judgment dated 24/11/2025, whereby a decree of divorce has been passed against her husband in M.A.T. No. 03/2023 by the Learned Senior Civil Judge, Family Court, Sundargarh.*

5. That the Opposite Party No. 2/ Informant does not want to proceed against the petitioners in Bargaon P.S. Case No. 104/2022 and has agreed to withdraw the case filed against the petitioners.

6. That this affidavit is being sworn by the deponent in sound mind and without any force or coercion in any form whatsoever."

5. The Opposite party No.2 is present in Court in person and has been identified by her learned counsel and has filed photocopy of her self-attested aadhaar card to establish her identity, which is taken on record.

6. On being queried by the Court, Opposite Party No.2 submits that her marriage with the petitioner has dissolved by way of decree of divorce by the Court of competent jurisdiction. She further submits that she does not intend to pursue the criminal proceedings any further. She also joins the petitioner in making such a prayer before this Court.

7. Learned counsel appearing for the State submits that the dispute arises out of a matrimonial discord and in view of the settlement arrived at between the parties, the State has no serious objection to quash the criminal proceedings.

8. Having considered the nature of the allegations levelled in the F.I.R., the subsequent developments and more particularly, the fact that the matrimonial relationship between Opposite Party No.2 with the petitioner has already been dissolved by a decree of divorce and the parties have settled their disputes and the informant has categorically

expressed her unwillingness to pursue the criminal proceeding any further, 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 Bargaon P.S. Case No.104 of 2022, corresponding to G.R. Case No.460 of 2022, pending in the Court of learned J.M.F.C, Rajgangpur and all the consequential proceedings arising therefrom, stands quashed.

10. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Rati Ranjan

Signature Not Verified
Digitally Signed
Signed by: RATI RANJAN NAYAK
Reason: Authentication
Location: OHC
Date: 19-Nov-2026 21:18:10