IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4032 of 2026
CNR No.ODHC010820252026

Manish Kumar Jena & others .... **Petitioners**

Mr. Parsuram Panda, Advocate

-versus-

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

Mr. Tej Kumar, ASC
Mr. Prasanta Kumar Satapathy,
Advocate for O.P. No.2

CORAM:
HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Order No. **ORDER**
25.11.2026

01. **1.** Heard.

2. At the instance of opposite party no.2, the F.I.R. in connection with Bhawanipatna Town Case No.26 of 2022 corresponding to C.T. Case No.68 of 2022 came to be registered against the petitioners for the alleged commission of the offences punishable under Sections 498-A/294/506/34 of IPC r/w Section 4 of the D.P. Act., pending in the Court of the learned S.D.J.M., Bhawanipatna.

3. On 15.01.2022, the O.P. No. 2 lodged a report at the Police Station alleging that she had married

Petitioner No.1 on 07.07.2011 as per their caste and customs. At the time of marriage, her parents had given Rs.3,50,000/- in cash along with gold ornaments as dowry. However, soon after marriage, her husband and in-laws started subjecting her to physical and mental torture by demanding additional dowry. Out of their wedlock, they were blessed with one daughter in 2012 and one son in 2016. Despite having two children, the torture continued at the hands of her husband and in-laws, compelling her to take shelter at her parental house at Shantinagarpada, Bhawanipatna. Hence, the case.

4. Learned counsel for the petitioners submits that after investigation, the charge sheet has been filed in the present case vide Charge Sheet No.192, dated 28.06.2022. Thereafter, on 27.07.2022, the Court below has taken cognizance of the offences punishable under Sections 498-A/506/294/34 of IPC r/w Section 4 of the D.P. Act.

5. The petitioner no.1 and the opposite party no.2 are present in person before this Court today and they are being identified by their respective counsel and have files the self attested copies of their respective Aadhaar cards to establish their identity, which are taken on record. The opposite party No.2 has filed an affidavit dated 06.11.2026, *inter alia*, stating as under:

> *"1. That the present deponent is the OP No.2 in this CRLMC application and informant in this proceeding. This deponent after understanding the contents of the*

CRLMC application is filing this affidavit voluntarily, wilfully and with her free consent.

2. That the present marriage between me and petitioner no.1 was solemnized on 07.07.2011. We have blessed with two children. First child namely Manisha was born in 2012 and second male child namely Hariansh was born in 2016. We have resided in the family peacefully.

3. That during Covid period due to financial difficulties and necessity of living at my parental house, there was quarrel between myself and my husband. Due to such misunderstanding and quarrel, a FIR was lodged by me in Bhawanipatna town police station, which was registered as PS Case No. 26/2022 for commission of offence U/s-498(A)/ 506/ 294/ 34 of IPC, read with Section-4 of DP Act.

4. That after few months of the family disturbance, the dispute between us was settled and we have voluntarily and wilfully decided to live together. Since July 2022, I am residing with my husband and father-in-law and mother-in-law in the matrimonial house along with my children. Now we are maintaining our happy and peaceful life in our family.

5. That, I have no further grievance against the petitioners, who are my family members. Since, we forgot our past disturbance, I want to close this proceeding. Though, I have intimated the local police about the settlement but the case has not been officially closed.

6. That by filing this affidavit, this deponent disclosed before this Hon'ble Court that the continuance of the criminal proceeding will affect our family reputation at the present stage. Therefore for the interest of justice and due to settlement of our matrimonial dispute, I have no objection for closure of such criminal proceeding pending before the SDJM, Bhawanipatna in C.T. Case No. 68/2022.

7. That present affidavit filed by the deponent voluntarily without any force and coercion or any kind of compulsion. The present deponent with her free mind and consent, and considering the subsequent development prays before this Hon'ble Court to close the criminal proceeding."

6. The opposite party no.2 is the wife of petitioner no.1. On query from the Court, the opposite party no.2 submits that they have settled their dispute and resumed their conjugal life. So, she does not want to prosecute the petitioners any more.

7. Learned counsel for the State submits that the dispute is arising out of a matrimonial discord and the parties have settled their dispute. The opposite party no.2 has also filed the joint affidavit in that regard. Hence, there is no legal impediment, if the same may is 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 petitioners 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 Bhawanipatna Town Case No.26 of 2022 corresponding to C.T. Case No.68 of 2022, pending in the Court of learned S.D.J.M., Bhawanipatna and the consequential proceedings arising therefrom qua the petitioners 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: 26-Nov-2026 18:49:12