

A.F.R.



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3352 of 2025

Along with

CRLMC 4690 of 2025

(In the matter of applications under Section 528 of B.N.S.S., 2023 read with Section 482 of the Code of Criminal Procedure, 1973.)

(In CRLMC No.3352 of 2025)

Anurag Sethi and Ors *Petitioner (s)*

-versus-

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

Advocates appeared in the case through Hybrid Mode:

For Petitioner (s) : *Mr. Rakesh Kailash Sharma, Adv.*

For Opp. Party (s) : *Mr. U.R. Jena, AGA (for O.P. No.1)*
Ms. Ayushi Mehta, Adv.
Mr. D.P. Singh, Adv.
(for O.P. No.2)

(In CRLMC No.4690 of 2025)

Barsha Priyadarshini *Petitioner (s)*

-versus-

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

Advocates appeared in the case through Hybrid Mode:

For Petitioner (s) : *Mr. Merusagar Samantray, Adv.*
Ms. Ayushi Mehta, Adv.

For Opp. Party (s) : *Mr. U.R. Jena, AGA (for O.P. No.1)*
Mr. Rakesh Kailash Sharma, Adv.
(for O.Ps.2 to 5)



CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-28.01.2026

DATE OF JUDGMENT:-13.02.2026

Dr. Sanjeeb K Panigrahi, J.

1. Since both the Criminal Miscellaneous Cases arise out of the same matrimonial relationship, involve identical parties, and emanate from a common factual matrix raising overlapping questions of law and fact, this Court deems it appropriate to hear and dispose of the same by a common order. For the sake of convenience, clarity, and orderly adjudication, CRLMC No. 3352 of 2025 is treated as the lead/main case, and the facts and pleadings therein are referred to unless the context otherwise requires.
2. In this Criminal Miscellaneous Petition, the petitioner seeks a direction from this Court to quash the criminal proceedings arising out of FIR No. 202/2024 and the consequential charge-sheet, contending that the prosecution is malicious, an abuse of process of law, and does not disclose any *prima facie* offence warranting continuation of trial.

I. FACTUAL MATRIX OF THE CASE:

2. The facts of the case are as follows:
 - (i) The marriage between the Petitioner (husband) and the Opposite Party (wife) was solemnized on 07.07.2021 as per Hindu rites during the second wave of the COVID-19 pandemic, allegedly with restricted attendance in compliance with government



guidelines. The marriage was later registered on 10.08.2021 under the Hindu Marriage Act, 1955.

- (ii) The parties cohabited at different locations, including Mumbai and Pune, between December 2021 and December 2023, primarily due to professional commitments. There is no dispute that Petitioners No. 2 to 4 (parents-in-law and sister-in-law) were residing permanently in Delhi and not part of the matrimonial household.
- (iii) On 04.12.2023, the wife left the matrimonial home in Pune. Thereafter, matrimonial relations between the parties ceased. Subsequently, the husband initiated divorce proceedings before the Family Court, Pune, on 19.01.2024.
- (iv) On 12.03.2024, the wife lodged FIR No. 202/2024 at Chandrasekharpur Police Station, Bhubaneswar, alleging offences under Sections 294, 323, 498A, 406, 506 read with 34 IPC and Section 4 of the Dowry Prohibition Act, 1961 against the husband and his family members.
- (v) Parallel proceedings were initiated by the wife under the Protection of Women from Domestic Violence Act, 2005 (CMC No. 432/2024) before the JMFC-II, Bhubaneswar, along with a maintenance proceeding. The husband and his family sought quashing of the criminal case by invoking inherent jurisdiction.
- (vi) During trial in the DV proceeding, evidence of PW-1 (wife) and PW-2 (her brother) was recorded, followed by defence evidence.



After closure of evidence by both sides, the trial court rejected an application under Section 311 CrPC / Section 348 BNSS seeking recall of PW-1 for marking additional documents.

- (vii) The present dispute therefore arises out of cross-litigation, where criminal prosecution under IPC and DP Act is sought to be quashed by the husband, while the wife challenges procedural orders passed in the DV proceeding.

II. PETITIONER'S (HUSBAND) SUBMISSIONS:

3. Learned counsel for the Petitioner earnestly made the following submissions in support of his contentions.

- (i) The Petitioner contends that the criminal proceedings are a counterblast to the divorce petition filed earlier and constitute a malicious abuse of process, intended to harass and coerce the husband and his family.
- (ii) It is asserted that the marriage was dowry-less, supported by a written no-dowry agreement, and that allegations of dowry demand are contradictory, exaggerated, and unsupported by documentary proof, with varying amounts cited across FIR, chargesheet, DV case, and maintenance proceedings.
- (iii) The Petitioner submits that there was no entrustment or misappropriation of stridhan, as the wife herself collected all her belongings, including jewellery and documents, in the presence of police, thereby negating the offence under Section 406 IPC.



- (iv) It is argued that allegations of physical cruelty are unsubstantiated, with no medical or electronic evidence, and that contemporaneous conduct such as food delivery orders and cinema attendance contradicts the alleged incident of violence.
- (v) The Petitioner emphasizes that the parents-in-law and sister-in-law are distantly related, non-resident family members, residing in Delhi, against whom no specific overt acts are alleged, attracting the protection laid down in *Kahkashan Kausar v. State of Bihar*.
- (vi) Procedural infirmities are highlighted, including delay in FIR, alleged violation of Section 41A CrPC, inconsistencies regarding place of occurrence, and mechanical filing of chargesheet without fair investigation.
- (vii) In the DV proceeding, the Petitioner contends that the wife voluntarily closed her evidence and sought recall at the final argument stage merely to fill lacunae, which was rightly rejected by the trial court.

III. OPPOSITE PARTY No.2'S (WIFE) SUBMISSIONS:

- 4. Per contra, the learned counsel for the Opposite Party No.2 earnestly made the following submissions in support of their contentions:
 - (i) The Opposite Part No.2 asserts that the FIR was lodged due to continuous dowry harassment, physical violence, and mental cruelty, and not as retaliation to the divorce petition.



- (ii) It is contended that the so-called no-dowry agreement was executed under coercion and cannot override substantive evidence of dowry demands, payments, and gifting of gold as reflected in the chargesheet and witness statements.
- (iii) The wife submits that delay in lodging the FIR is natural in matrimonial disputes due to trauma, fear, and attempts at reconciliation, and does not vitiate the prosecution.
- (iv) It is argued that recovery of stridhan through police intervention establishes illegal retention by the husband and his family, making Section 406 IPC clearly attracted.
- (v) The Opposite Party maintains that absence of visible injuries does not negate physical cruelty, and that domestic violence victims often continue daily activities despite abuse.
- (vi) With respect to the DV proceeding, it is contended that recall of PW-1 was necessary for just adjudication, and refusal to permit marking of additional documents violates the right to fair trial.
- (vii) The Opposite Party emphasizes that at the quashing stage, the court cannot conduct a mini-trial, and as long as a *prima facie* case exists, proceedings must continue.

IV. FINDINGS OF THE ORDER OF JMFC-II, BHUBANESWAR IN CMC NO.432 OF 2024:

5. The Trial Court, upon examining the factual matrix of the case, held as follows:



- (i) The trial court, while rejecting the application for recall under Section 311 CrPC / Section 348 BNSS, has relied on the stage of the proceedings, noting that evidence from both sides stood concluded and the matter was posted only for final arguments.
- (ii) The court has recorded that the wife had been granted adequate and repeated opportunities to adduce oral and documentary evidence, and that closure of evidence was voluntary through a filed memo.
- (iii) The reasoning reflects adherence to the settled principle that recall of witnesses cannot be permitted to fill lacunae or cure negligence, particularly when the documents sought to be introduced were admittedly available from the inception.
- (iv) The court has also considered prejudice to the opposite party and the time-bound nature of DV proceedings, concluding that reopening evidence at such a late stage would undermine procedural fairness and expeditious disposal.
- (v) The order demonstrates application of judicial discretion grounded in established precedent, balancing the right to fair trial against the need to prevent abuse of process and delay, without entering into merits of the substantive allegations.
- (vi) On the face of the record, the lower court's order appears to be a procedural determination, not adjudicating rights of parties, but regulating trial conduct in accordance with settled criminal jurisprudence.



V. EXAMINATION OF THE LEGAL MATRIX:

6. Heard learned counsel for the parties and perused the materials placed on record.
7. At the outset, this Court reminds itself of the limited scope of interference under Section 482 CrPC in quashing FIRs/charge-sheets. The inherent power must be exercised sparingly, with caution, and only to prevent a manifest injustice or abuse of the judicial process. The seminal decision in *State of Haryana v. Bhajan Lal*¹ illustratively laid down categories where quashing is justified, inter alia, when the allegations in the FIR, even if taken at face value, do not constitute any offense, or where the prosecution is launched with ulterior motives and malice.
8. It is well settled that at the stage of quashing, the High Court is not to delve into disputed facts or conduct a mini-trial on the truth of the allegations. The test is whether the uncontroverted allegations and the material collected, if accepted in entirety, would *prima facie* constitute the offenses alleged. To this effect, the Supreme Court in the case of *Central Bureau of Investigation v. Aryan Singh*² held as follows:

“As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not

¹1992 Supp (1) SCC 335.

² 2023 SCC OnLine SC 379



proved. This is not the stage where the prosecution / investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution / investigating agency. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not".

9. With these principles in mind, the rival contentions are examined.
10. The core of the petitioner husband's case is that the criminal prosecution is a matrimonial counterblast, a device employed by the wife to harass the husband and his family after the marriage fell apart. The timeline is not in dispute: the wife left the matrimonial home in December 2023; the husband filed for divorce in January 2024; only in March 2024 did the wife lodge the subject FIR alleging dowry demands and cruelty. While a prompt FIR is generally expected, delay by itself is not fatal in matrimonial disputes, as trauma or hopes of reconciliation often defer a wife's complaint. That said, the proximity of the FIR to the divorce filing does raise the question of retaliation.
11. Allegations that criminal law is being misused as a weapon rather than a shield by disgruntled spouses have been recognized by multiple precedents. For instance, in *Arnesh Kumar v. State of Bihar*³, the Court

³(2014) 8 SCC 273



noted the rampant increase in matrimonial disputes and observed that Section 498A IPC, though intended to protect women from cruelty, had gained notoriety as a tool of misuse, with even bedridden grandparents and distant relatives being arbitrarily swept into the net of accusation. The relevant excerpts are produced below:

“4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grand-fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested.”

12. This is not to prejudice the present case, but to highlight that the Court must be alive to the possibility of exaggeration or mala fides in matrimonial FIRs.

13. In the present FIR, the wife has levelled allegations of continuous “harassment for dowry”, instances of physical assault, and retention of her streedhan. Without doubt, treating a married woman with cruelty, be it for dowry or otherwise, is a serious offense and demands full accountability under law. Equally, any demand for dowry is criminal and misappropriation of streedhan attracts Section 406 IPC.



14. The question is not as to whether such offenses are heinous, but whether the facts as alleged in this FIR and charge-sheet make out a *prima facie* case against each of the accused. Having perused the FIR, charge-sheet and the case diary extracts placed on record, this Court is of the view that *prima facie* material exists to proceed against the husband (Petitioner No.1), but not against the in-laws (Petitioners No. 2 to 4), for reasons elaborated below.
15. The FIR alleges specific acts which, if true, constitute offenses under the IPC. The wife has described certain quarrels where the husband allegedly hurled abuses and inflicted physical hurt in furtherance of coercing her to meet unlawful monetary demands. She claims to have been threatened with dire consequences over dowry issues. These averments, taken at face value, fall within the definition of "cruelty" under Section 498A IPC.
16. The charge-sheet filed after investigation has also cited witness statements (including that of PW-2, the wife's brother) corroborating that demands for valuable gifts and cash were made during the marriage, and that the wife was subjected to humiliation and occasional violence over unmet dowry expectations. The existence of a written "no-dowry agreement", which the husband heavily relies upon, is not, in the Court's opinion, conclusive proof of innocence at this stage. The wife has alleged that such document was executed under coercion and belied by subsequent conduct. Whether that agreement truly reflects the understanding between the families or was



a paper formality obtained to create evidence, is a matter for trial. Suffice it to note that mere production of a “zero dowry declaration” cannot ipso facto nullify the allegations in the FIR when those allegations otherwise disclose ingredients of the offenses.

17. The petitioner’s contention that certain incidents of cruelty are false because no medical records or independent evidence substantiate them cannot be accepted at the threshold. It is not uncommon that a victim of domestic assault may not immediately visit a hospital or call police, due to familial pressure or hope of preserving the marriage. Lack of medical certificates is therefore not fatal to a prosecution if the victim’s testimony, and other circumstantial evidence, can establish the occurrence.
18. Here, the wife did eventually voice her grievances in multiple forums, which tends to negate the theory that she completely fabricated the narrative. The husband pointed to receipts of food delivery and movie tickets around the date of an alleged assault to suggest that the couple was enjoying normal life, hence no cruelty happened. However, such circumstantial defense evidence requires a fact-intensive assessment at trial, it does not conclusively disprove the occurrence of violence. Many a time, victims of abuse continue to engage in everyday social activities, either under compulsion or in denial of their trauma. These are matters for cross-examination and weighing of evidence.
19. This case does not fall in the category where allegations are so absurd or inherently improbable that no prudent person could believe them.



On the contrary, the allegations against the husband relate to domestic dealings that, unfortunately, are plausible in a setting where dowry disputes arise. Therefore, this Court is not inclined to quash the proceedings against Petitioner No.1 (husband) at the threshold. His guilt or innocence must be determined on the evidence led at trial.

20. The situation of Petitioners No. 2 to 4 (parents-in-law and sister-in-law) stands on a distinctly different footing. It is not disputed that these relatives were not residents of the matrimonial home and were, in fact, living in Delhi throughout. They are elderly parents and a married sister living separately. The only role ascribed to them in the wife's FIR is a generic statement that "all the accused harassed her and demanded dowry". No specific incident, date or overt act is attributed to these in-laws. During the period of cohabitation (2021–2023), the couple mainly lived in Maharashtra, and there is no indication that the distant relatives even visited them or directly interacted on the alleged dowry demands.

21. The charge-sheet similarly lacks any *prima facie* material against the in-laws for this Court to look the other way. There is no recovery from them and no particular statement by any witness outlining their active involvement, except the omnibus assertion by the complainant. Such sweeping roping in of the husband's entire family, on vague allegations, has been consistently disapproved by various precedents of the Supreme Court.



22. In *Kahkashan Kausar @ Sonam v. State of Bihar*⁴, very similar scenario was addressed. The wife there had implicated the husband's relatives in a 498A/354/379 IPC case without specific instances. The Supreme Court quashed the proceedings against the in-laws, and cautioned as follows:

"18. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

23. It was further observed by the Court that criminal trials impose grave suffering and stigma, and thus allowing prosecution in the absence of clear allegations against the in-laws would simply result in an abuse of the process of law.

24. Earlier, in *Preeti Gupta v. State of Jharkhand*⁵, the Supreme Court had noted from its experience that *"a large number of complaints under Section 498A IPC are not bona fide and are filed with oblique motive. The tendency of implicating the husband's entire family is also not uncommon"*. It urged the

⁴(2022) 6 SCC 599

⁵(2010) 7 SCC 667



courts to carefully scrutinize the allegations and ensure that trivial or exaggerated versions of domestic discord are not turned into tools of persecution of innocent relatives.

25. Likewise, in *Geeta Mehrotra v. State of U.P.*⁶, it was held that where matrimonial litigation is clearly driven by an estranged relationship, the courts should not hesitate to quash proceedings against family members who have been implicated without any specific role, as dragging everyone to court only accentuates the bitterness and ruins chances of settlement.

26. Before applying the aforesaid precedents to the facts of the present case, this Court considers it appropriate to indicate certain broad parameters which guide the exercise of jurisdiction under Section 482 CrPC when relatives of the husband are arraigned as accused in prosecutions arising out of matrimonial discord. These parameters do not constitute rigid rules, nor are they intended to dilute the seriousness of offences relating to cruelty or dowry. They merely serve as judicial safeguards to ensure that criminal law is applied with fairness and precision:

- a. The Court must first examine whether the allegations disclose some identifiable role or conduct attributable to the relative concerned. While cruelty or dowry-related pressure may be exerted indirectly, the complaint must still indicate, even broadly, how such influence was exercised. Mere reference to

⁶ (2012) 10 SCC 741



relationship, without any indication of conduct, cannot sustain criminal liability.

- b. The Court must next consider proximity and opportunity. Separate residence does not by itself exonerate a relative, as influence may be exercised from a distance. However, where a relative admittedly lives separately, the allegations must disclose circumstances showing participation, instigation or control, and not merely a bald assertion of collective harassment.
- c. There must further exist a reasonable nexus between the alleged acts of cruelty or dowry demand and the role attributed to the relative. Criminal prosecution cannot proceed on conjecture or on the assumption that all family members share equal responsibility for marital discord.
- d. While the Court does not assess the sufficiency of evidence at this stage, it may notice whether the charge-sheet or case diary contains any supporting indication, such as witness statements or surrounding circumstances, linking the relative to the alleged acts. The complete absence of such material, when coupled with vague allegations, is a relevant factor in assessing abuse of process.

27. These parameters are applied with due regard to the social realities of matrimonial relationships, recognising that women may face genuine cruelty that is not always capable of precise articulation. At the same time, the criminal process cannot be permitted to operate on sweeping



allegations that subject multiple relatives to prosecution without a discernible legal foundation.

28. Applying these principles and the parameters to the case at hand, this Court is of the opinion that no *prima facie* offense is made out against the Petitioners 2-4. The allegations against them are entirely casual, lacking the detail necessary to constitute their participation in the alleged cruelty or dowry demand. The complainant's general statements could be reflective of her frustration or animosity arising from the marital dispute, but that cannot justify subjecting distant relatives to a criminal trial. To permit prosecution of such peripheral accused, in the hope that something might turn up against them during trial, would amount to sheer harassment.

29. Here, the in-laws' long-distance residence severs any "live link" between them and the alleged offenses. Continuing the proceedings against them would thus fall squarely within the category of cases "*attended with mala fide or instituted with an ulterior motive for wreaking vengeance*" as described in ***Bhajan Lal (Supra)***.

30. Before concluding this part, this Court finds it necessary to note that matrimonial prosecutions rarely present themselves in clean or uncomplicated form. They are born out of broken relationships, emotional hurt, and deeply personal grievances. More often than not, the Court is confronted with two sharply opposed versions of the same marriage, each claiming to be the truth. In such situations, the line between genuine suffering and overstatement can easily blur. The



Court must therefore tread carefully, alive to the fact that cruelty within marriage may not always be visible or neatly documented, yet equally mindful that criminal law cannot be allowed to become an instrument of retaliation or pressure. The Court proceeds on this balancing exercise alone, without expressing any view on whose version is ultimately true.

31. In reaching the above conclusion, the Court is not oblivious to the wife's argument that quashing at the threshold should be avoided if a glimmer of *prima facie* evidence exists. Indeed, it is true that the standard for quashing is high, if the FIR discloses an offense, the matter should ordinarily be allowed to proceed to trial, since quashing effectively stifles the prosecution. But this rule is not absolute. Where the Court can gauge from the complaint itself that certain accused are plainly implicated out of spite or as a bargaining chip, without any foundation in law, it becomes its duty to intervene. This is precisely to uphold the fairness of the criminal process and to save innocent persons from the ordeal of unfounded prosecution.

32. Therefore, while the Court declines to quash the case against the prime accused (husband), it finds the continuance of proceedings against the in-laws to be unjust. This calibrated approach balances the need to allow genuine charges to be tried, in respect of the husband, with the need to shield those against whom the complaint is demonstrably baseless (the in-laws).



33. The Court now turns to the second prong of the dispute, the challenge mounted by the wife (petitioner in the connected case) against the order of the trial court in the Domestic Violence Act proceeding, whereby her application to recall herself (PW-1) for leading additional evidence was rejected. It is noted that the domestic violence complaint (CMC No.432/2024) had progressed to the stage of final arguments. The wife (aggrieved person in that case) had already deposed as PW-1 and was cross-examined; similarly PW-2 (her brother) was examined and the respondents (husband and in-laws) had led their defense evidence.

34. At that juncture, after closure of evidence from both sides, the wife sought to reopen her evidence to formally introduce certain documents, purportedly some photographs and financial records, that were not exhibited earlier. The trial court, by a reasoned order, disallowed this move, observing that the applicant had sufficient opportunity during her evidence stage and that re-opening the case at the fag end appeared to be an attempt to fill in lacunae.

35. Having scrutinized the lower court's order and the circumstances, this Court does not find any error of jurisdiction or perversity that warrants interference. The power of a court to recall witnesses or take additional evidence at any stage, enshrined in Section 311 CrPC, read with Section 28 of the DV Act and Section 138 of the Evidence Act, is indeed broad and intended to ensure a just decision by bringing forth all material facts.



36. However, the exercise of this power is fundamentally discretionary and must be guided by the paramount consideration of preventing miscarriage of justice. The benchmark is necessity, whether the new evidence appears essential for a just adjudication of the case. It is equally well settled that this provision cannot be invoked to merely patch up weaknesses in a party's case or to shore up a missed strategic opportunity.

37. A plethora of judicial precedents have cautioned that Section 311 should not be allowed to degenerate into a tool for protracting trials or permitting afterthoughts to prevail, especially when the request comes at a very advanced stage of trial without adequate explanation. In *Rajaram Prasad Yadav v. State of Bihar*⁷, the Court explicated the principles governing Section 311, emphasizing that while courts should be magnanimous in permitting genuine rectification of inadvertent mistakes, they must also guard against attempts to reopen the trial on the drop of a hat under the guise of doing justice.

38. In the present case, the application to recall PW-1 was filed after closure of evidence and when the matter was posted for arguments. The documents sought to be introduced were admittedly within the petitioner's knowledge from the beginning. No convincing explanation was offered for their non-production at the proper stage. The application appears to be a belated attempt to strengthen the case after realizing perceived gaps in evidence.

⁷(2013) 14 SCC 461



39. Allowing recall at such a stage would prejudice the opposite party and undermine the discipline of trial proceedings. Section 311 CrPC cannot be invoked to fill lacunae under the guise of discovering truth, particularly when the petitioner had already led extensive evidence and voluntarily closed her case. It was also not shown that the proposed documents were indispensable for a just decision. Given that proceedings under the Domestic Violence Act are meant to be summary and expeditious, reopening evidence at the final stage would defeat the object of the statute. The learned JMFC's refusal to recall PW-1 thus reflects a sound exercise of discretion, calling for no interference under inherent jurisdiction.

40. Before parting, it is clarified that any observations made on the merits of the allegations are only for the purpose of deciding the present petitions. The trial court(s) shall proceed with the substantive matters uninfluenced by any *prima facie* comments herein. The wife's criminal case (FIR No. 202/2024) against the husband shall be decided strictly on evidence adduced, and not on whether this Court found the case strong or weak.

41. Similarly, in the DV Act case, the Magistrate shall adjudicate the issues on the evidence on record (as it stands closed), without drawing any adverse inference from the fact that additional documents were not brought in. Each side retains the right to argue on the probative value of the existing evidence. This Court's findings were only to test the



allegations against the touchstone of *prima facie* scrutiny and the propriety of the procedural order.

VI. CONCLUSION:

42. In view of the foregoing discussion, **CRLMC No. 3352 of 2025** (filed by the husband and his family) is **partly allowed**. The criminal proceeding arising out of FIR No. 202/2024 of Chandrasekharpur P.S., Bhubaneswar and the corresponding charge-sheet is hereby quashed as against Petitioners No. 2, 3 and 4. The petition insofar as it seeks quashing of the proceeding against Petitioner No.1 (husband) is dismissed; the allegations against him shall be tested at trial. As a result, the trial may proceed against the husband in accordance with law. The observations in this order shall not impede the trial court from evaluating the evidence independently.

43. **CRLMC No. 4690 of 2025** i.e. the companion petition filed by the wife challenging the order in CMC No.432 of 2024, is **dismissed**. The impugned order dated 28.10.2025 of the learned JMFC-II, Bhubaneswar, rejecting recall of PW-1, is affirmed. The trial court is directed to promptly hear final arguments in the said domestic violence case and dispose it on merits.

44. The interim order staying the proceedings, if any, is vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

Orissa High Court, Cuttack,
Dated the 13th February, 2026/