



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CRLMC No.4110 of 2015**

An Application under section 482 of Code of Criminal Procedure.

- 1.
- 2.
3. .... *Petitioners*

-versus-

1. *State of Odisha*
2. .... *Opposite Parties*

**Advocates appeared in this case through Hybrid Mode :**

For Petitioners : *Mr. D. K. Swain,*  
*Advocate*

For Opposite Parties : *Mr. Raj Bhusan Dash, A.S.C.*  
*(For O.P. No.1)*

**CORAM:**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

.....  
**Date of Judgment: 03.02.2026**  
.....

**Savitri Ratho, J.** The CRLMC has been filed for quashing of the proceedings in G.R. Case No. 626 of 2012 arising out of Kumbharpada P.S. Case No.88 of 2012 which arises out of 1CC Case No. 56 of 2012 pending in the court of the learned SDJM, Puri.

**BRIEF FACT OF THE CASE**

2. The brief fact of the case is that on 16.02.2005 Petitioner No-1 had married to the Opp party No.2 as per Hindu rites and customs. After marriage the Opp party No.2 remained in the house of the Petitioner No-1. as husband and wife. The Petitioners demanded a



dowry of sum Rs 5,00,000/- (Rupees Five Lakhs) for business purposes. But the Opp parties could only arrange Rs 2,00,000/- (Rupees Two Lakhs) and when they could not arrange the remaining amount they threatened her to pouring kerosene and putting fire her and make a case of suicide. With such allegation, Kumbharapada PS registered as P.S. case No-88/2012 under sections 498 (A)/34 IPC & u/s 4 D.P. Act which arising out of GR case No- 626/2012 which is pending before the Learned SDJM Puri.

### **SUBMISSIONS**

3. Mr. D.K. Swain, learned counsel for the Petitioners submits that there is no evidence regarding demand of dowry and the allegations relating to demand of dowry and threats are false and vague. The dispute between the spouses arose due to matrimonial incompatibility, which has been given a criminal colour to harass the Petitioners. Thereafter Petitioner No.1 and Opposite Party No.2 decided to bring an end to their differences and their marriage has been dissolved by a decree of mutual divorce. He files a memo enclosing the following documents:-

(i) a petition dated 23.04.2016 filed in C.P. No. 164 of 2015, with a prayer that the Court be pleased to pass a decree of divorce, signed by both the Petitioner as well as Opposite Party No.2-



(ii) Judgment dated 27.06.2016 passed by the learned Judge, Family Court, Puri in C.P. No. 164 of 2015 dissolving the marriage of the Petitioner No.1 and Opposite Party No.2- , by a decree of divorce by mutual consent.

4. Attention of this Court is also drawn to order dated 10.04.2023 passed by this Court, which reveals that Opposite Party No.2-

had been noticed by way of substituted service by publication of the notice in daily newspaper 'The Samaj'. After perusing the notice in 'The Samaj' dated 8th April, 2023, this Court had held that service of notice on Opposite Party No.2- was sufficient.

5. Mr. Raj Bhusan Dash, learned counsel for opposite Party opposes the submission of learned counsel for Petitioner and submits that as the parties have given consent for dissolving their marriage, the Opposite Party No.2 may not be interested to pursue the criminal case in the learned trial court.

#### **STATUTORY PROVISIONS**

6. Section 13-B of the Hindu Marriage Act are extracted below:

*“13B. Divorce by mutual consent.—(1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the*



*district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.*

*(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.”*

## **JUDICIAL PRONOUNCEMENT**

7. The Supreme Court in the case of ***Shilpa Sailesh v. Varun Sreenivasan***; (2023) 14 SCC 231, has held as follows:

*“36. The reason is that the courts must not encourage matrimonial litigation, and prolongation of such litigation is detrimental to both the parties who lose their young age in chasing multiple litigations. Thus, adopting a hyper technical view can be counterproductive as pendency itself causes pain,*



*suffering and harassment and, consequently, it is the duty of the court to ensure that matrimonial matters are amicably resolved, thereby bringing the agony, affliction, and torment to an end. In this regard, the courts only have to enquire and ensure that the settlement between the parties is achieved without pressure, force, coercion, fraud, misrepresentation, or undue influence, and that the consent is indeed sought by free will and choice, and the autonomy of the parties is not compromised. The latter two decisions in **Gian Singh** and **Jitendra Raghuvanshi** observe that the inherent power on the High Court under Section 482 CrPC is wide and can be used/wielded to quash criminal proceedings to secure the ends of justice and prevent abuse of the process of the court, albeit it has to be exercised sparingly carefully, and with caution.”*

8. In the case of **Sri Rangappa Javoor vs State of Karnataka in SLP (Crl) No. 33313 of 2019**, the Respondent though served with notice, did not appear before the Supreme Court. The Supreme Court while quashing the chargesheet in the case, has held as follows:

*“It is apparent that the parties have resolved and settled their disputes. In the facts of the case, we do not feel that any useful purpose would be served by continuation of the prosecution. The appellant - Rangappa Javoor, who is an officer in the Border Security Force and as per the job requirement, has to*



*serve in different parts of the country, would be put to harassment. This court has held that in cases of offences relating to matrimonial disputes, if the Court is satisfied that the parties have genuinely settled the disputes amicably, then for the purpose of securing ends of justice, criminal proceedings inter-se parties can be quashed by exercising the powers under Article 142 of the Constitution of India<sup>1</sup> or even under Section 482 of Code of Criminal Procedure, 1973.”*

#### **ANALYSIS AND CONCLUSION**

**9.** The operative portion of the judgment passed by the learned Judge, Family Court, Puri in C.P Case No. 164 of 2015 is extracted below:

“ **ORDER**

*The joint petition filed by the petitioner (wife) and respondent (husband) for dissolution of their marriage by a decree of divorce by mutual consent is hereby allowed. Their marriage solemnized on 16.2.2005 is hereby dissolved by a decree of divorce with effect from the date of the decree. Both the parties are free in all respect from that date.”*

**10.** From this, it is apparent that the Petitioner No.1 and Opposite Party No.2 had settled their differences and agreed for dissolving their marriage by mutual consent. Almost ten years have elapsed in the meanwhile.



11. On a careful examination of the background facts, keeping in mind the decisions of the Supreme Court and as the marriage between the Petitioner No.1 and Opposite Party No.2 has been dissolved by a decree of divorce on mutual consent under Section 13B of the Hindu Marriage Act, I am of the opinion that no useful purpose would be served to keep G.R. Case No. 626 of 2012 in the Court of the learned S.D.J.M., Puri pending any further..

12. In my considered view, this is a fit case for exercise of power under Section 482 of the Cr.P.C. to quash the proceeding in G.R. Case No. 626 of 2012 in the file of the learned SDJM, Puri which arises out of Kumbharpada P.S. Case No.88 of 2012 and 1CC Case No. 56 of 2012.

13. The proceedings are accordingly quashed and the CRLMC is allowed.

14. Copy of this order be sent to the learned SDJM, Puri.

15. Urgent certified copy of this order be granted on proper application.

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**(Savitri Ratho)**  
**Judge**

*Orissa High Court, Cuttack*  
*Dated the 3<sup>rd</sup> February, 2026/Puspa*