IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.548 of 2023

CNR No. ODHC010075172023

Ishan Das .... ***Petitioner(s)***

Mr. Alok Kumar Mohapatra, Advocate

-versus-

State of Odisha and others .... ***Opposite Party(s)***

Mr. Ashok Kumar Apat, AGA

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

25.08.2026

Order No.

04. **1.** Heard.

2. At the instance of the opposite party No.2, the F.I.R. dated 10.10.2022 in Nalco Township P.S. Case No.214 of 2022 corresponding to G.R. Case No.1522 of 2022 for the offences under Sections 498-A/294/323/506/34 of I.P.C. read with Section 4 of the D.P. Act pending in the Court of the learned S.D.J.M., Angul came to be registered against the petitioner. The petitioner is the husband of the opposite party No.2.

3. The prosecution case, in brief, is that opposite party No. 2, being the wife of the petitioner, lodged a written report before the Nalco Police Station on 10.10.2022, alleging, inter alia, that she had married the petitioner on 21.11.2012 as per Hindu rites and rituals at Kalyan Mandap. After the marriage, the petitioner and the informant resided together at

Quarter No. B/609, CPP, NALCO Nagar, District-Angul. It is alleged that out of their wedlock, a girl child, namely, Amira Das, was born. According to the informant, after the birth of the girl child, she was subjected to torture on the ground that she had given birth to a female child. It is further alleged that, on several occasions, the petitioner, while under the influence of alcohol, physically assaulted and tortured the informant. The father of the petitioner also allegedly abused the informant by using obscene and abusive language. It is further alleged in the FIR that, at the time of marriage, the father and mother of the informant had gifted a car, along with other household articles and gold ornaments, to the petitioner. However, the petitioner was not satisfied with the said gifts and allegedly subjected the informant to pressure to bring further dowry. When opposite party No. 2 expressed her inability to fulfil such demands, she was allegedly subjected to torture by the petitioner, his father and his mother. It is also alleged that, in the year 2021, the petitioner compelled the informant to sign a divorce petition. Hence, the F.I.R. was lodged.

4. After investigation, charge-sheet has been filed in the present case on 29.10.2022 for the alleged commission of offences punishable under Section 498-A/294/323/506/34 of I.P.C. read with Section 4 of the D.P. Act against the petitioner.

5. The petitioner and the opposite party No.2 are present in the Court through Virtual Mode and being represented and identified by their respective counsels. They have also filed self-attested copies of their Aadhaar Cards to establish their identity, which are taken on record.

6. The petitioner and the opposite party No.2 have filed a marital settlement agreement dated 02.02.2023, inter alia stating as under:-

> "1) That it is agreed between the parties to this agreement that they will take Mutual Consent Divorce in the court of law through their respective lawyer and the 2nd party shall not demand any alimony or payment and continue a good friendly relation for the future of the child. Before Divorce both the parties return there gift item to each other.
> 2) That the 1st party handed over the custody of the girl child to the second party today and the child will stay with her mother the second party as mutual understanding but 2nd party will not demand any maintenance for the child but the 1st party will as his wish do the duty of father.
> 3) That the 1st Party will be allowed to visit the child in the vacation and also can take her with him for some days and also can called the 2nd party over phone and talk with the child in evening time in working days and any time in holidays as per the connivance of the 2nd party.
> 4) It is further agreed that the first party and second party shall withdraw all the cases from the respective courts, forums, police stations etc. etc. It is agreed that after the execution of the terms and conditions stated above there shall be no claim left between the parties against each other in any manner whatsoever. The 2nd party shall not raise any claim or right over the properties immovable or movable of the second party or his parents and relatives in future. She shall not file any other criminal or other complaint against the second party or his family members within the

jurisdiction in India, or abroad. Same also the 1st party."

7. On query from the Court, the opposite party No.2, who is present in Court through virtual mode submits that due to misunderstanding, she has filed the present case. She further submits that she has entered into a settlement with her in-laws and has decided to part ways with her husband. She, therefore, does not intend to proceed with the present case against the petitioner, as the dispute between her and the petitioner has been amicably settled.

8. Mr. Apat, learned Additional Government Advocate for the State submits that since the dispute is arising out of a matrimonial discord and the parties have settled their dispute and decided to part away, this Court may give indulgence in the present matter as there is no legal impediment.

9. Regard being had to the submission of the parties and the fact that the parties have settled their dispute and keeping in view 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***, I am of the considered view that subjecting the petitioner to the rigors of the trial would be a futile exercise. Therefore, the petition deserves merit.

10. Accordingly, the criminal proceeding in connection with Nalco Township P.S. Case No.214 of 2022 corresponding to G.R. Case No.1522 of 2022 pending in the Court of the learned S.D.J.M., Angul and the consequential proceedings arising therefrom qua the petitioner is quashed.

11. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified
Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 02-Sep-2026 10:32:55