

(2024) 02 OHC CK 0188
In the Orissa High Court
Case No : CRLMC No.94 Of 2024

Basudev Behera & Another

APPELLANT

Vs

Ratikanta Mohapatra & Another

RESPONDENT

Date of Decision : 20-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0188

Hon'ble Judges : S.S. Mishra, J

Bench : Single Bench

Advocate : Prasanta Kumar Nanda, P.K. Maharaj, Ghanashyam Dash

Final Decision : Disposed Of

Judgement

S.S. Mishra, J

1. At the instance of the opposite party no.2, the F.I.R. in Khordha P.S. Case No.482 of 2013 corresponding to G.R. Case No.1829 of 2013 for the offences under Sections-294/323/420/506/34 IPC came to be registered against the petitioners.

2. It is alleged against the petitioners that they have taken money from the opposite party no.1 with promise to arrange a job for him in the Railways. However, they did not do any favour to the opposite party no.1 despite taking money. Therefore, the opposite party no.1 has registered the F.I.R. against the petitioners.

3. The petitioner no.1 and the opposite party no.1 are present in the Court today. They are represented by their respective counsels and they have also filed photocopies of their respective self-attested Aadhaar Cards to establish their identity, which are taken on record.

4. They have filed a joint affidavit dated 20.02.2024, inter alia, stating that on the intervention of the village gentries and well-wishers, they have settled their dispute. Therefore, the opposite party no.1 does not want to proceed with the

criminal case further against the petitioners.

5. Mr. Maharaj, learned Additional Standing Counsel appearing for the opposite party no.2-State submits that the application moved by the petitioners before the learned Court below under Section 320 Cr.P.C. was turned down by the Court below on the ground that the petitioners were involved in another case being G.R. Case No.1753 of 2013. They have been convicted by the learned Court below in that case. Therefore, learned Court below had rejected their application. Mr. Maharaj further submits that since the parties have now settled their dispute out of the Court and they have filed a joint affidavit in that regard before this Court, this Court may give indulgence to the petitioners subject to exemplary cost on the petitioners.

6. Taking into consideration the aforementioned facts and submissions of the learned counsels at the Bar, the F.I.R. in Khordha P.S. Case No.482 of 2013 corresponding to G.R. Case No.1829 of 2013 pending in the Court of the learned S.D.J.M., Khurda and the consequential proceeding arising therefrom are quashed qua the petitioners.

7. This order is subject to payment of cost of Rs.2,500/- (Rupees two thousand five hundred) each to be deposited with the Orissa High Court Advocates' Welfare Fund.

8. The CRLMC is accordingly disposed of.

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