

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.179 of 2016

***Sanjib Mohanty @ Sanjeev
Mohanty***

....

Petitioner

Mr.Anupam Rath, Advocate

-versus-

Bishnu Prasad Mishra

....

***Opp.Party
In person.***

CRLREV No.413 of 2016

Pankaj Kapoor & another

....

Petitioners

Mr.Anupam Rath, Advocate

-versus-

Bishnu Prasad Mishra

....

***Opp.Party
In person.***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.02.2022

Order No.

10.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

CRLREV No.179 of 2016

2. CRLREV No.179 of 2016 has been filed by the Petitioner questioning the legality and propriety of order dated 02.02.2016 passed by the learned S.D.J.M., Bhubaneswar in I.C.C.Case No.1075 of 2015 whereunder the Court below has taken cognizance of the alleged offences under Sections 294,506/34 of the Indian Penal Code and has decided to proceed against the accused persons.

3. While admitting the aforesaid revision petition, this Court vide order dated 14.03.2016 has been pleased to direct stay of further proceeding in I.C.C.Case No.1075 of 2015 till the next date.

CRLREV No.413 of 2016

4. CRLREV No.413 of 2016 has been filed by the Petitioners questioning the legality and propriety of order dated 02.02.2016 passed by the learned S.D.J.M., Bhubaneswar in I.C.C.Case No.1075 of 2015 whereunder the Court below has taken cognizance of the alleged offences under Sections 294,506/34 of the Indian Penal Code and has decided to proceed against the accused persons.

5. While admitting the aforesaid revision petition, this Court vide order dated 27.07.2016 has been pleased to direct stay of further proceeding in I.C.C.Case No.1075 of 2015 till the next date.

6. Since the Opposite Party-complainant is common in both the aforesaid revision cases and both the revision petitions arises out of ICC Case No.1075 of 2015 and upon the request of the learned counsel appearing in both the revision petitions, the aforesaid two revision petitions are being taken up analogously for final hearing.

7. The factual background of the case, shorn of unnecessary details, the opposite party-complainant has alleged in his complaint petition that the accused petitioners telephoned him on 25.02.2015 and 26.02.2015 and requested him to meet them on 26.02.2016. It has been further alleged by the complainant that the accused persons abused him in their room and both of them threatened him to withdraw the complaint case bearing I.C.C.Case No.4522 of 2014 which was pending for adjudication before the lower court. On such allegation, the complainant filed the present complaint case and the learned court below has taken cognizance of the alleged offences under sections 294,506/34 of the Indian Penal Code vide order dated 02.02.2016 which is under challenge in the aforesaid two revision petitions by two

accused persons.

8. Heard Mr.Anupam Rath, learned counsel for the Petitioner in both the revision Petitions as well as Mr.B.P.Mishra the complainant in person. In both the revision petitions. It is submitted by Mr.Rath that the matter has been settled amicably between the accused persons and the complainant and accordingly a sum of Rs.5,00,000/- was paid to the complainant in court today vide D.D.No.646452 dated 15.01.2022 for Rs.5,00,000/-. The complainant accepts the said payment and further stated before this Court that he is no more interested to pursue the complaint case and accordingly prays for compounding all the offences alleged by him.

9. In such view of the matter, this Court keeping in view the amicable settlement between the parties, the terms of such settlement has been filed by way of a joint affidavit by both the parties before this Court on 14.02.2022, which is part of the present case record and in the interest of justice, permits the parties to compound the offences and accordingly the I.C.C.Case No.1075 of 2015 pending in the Court of the learned S.D.J.M., Bhubaneswar is hereby dropped. Further, the order dated 02.02.2016 which is impugned in both the revision petitions are hereby set aside and the revision petitions are accordingly allowed.

10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge