

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.649 of 2016

Manoj Das.

.... ***Petitioner***
Mr.Jyoti Patnaik, Adv.

-versus-

State of Orissa.

.... ***Opposite Parties***
Mr.M.K.Mohanty, ASC
Mr. A.K.Patanaik,
Advocate for opposite party No.2

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
08.02.2022

Order No.

09.

1. This matter is taken up by virtual mode.

2. Heard learned counsel for the parties.

3. In this Criminal Revision, the petitioner has made a prayer to set aside the impugned order dated 29.07.2016 passed by learned C.J.M.-cum-Assistant Sessions Judge, Dhenkanal in G.R. Case No.992 of 2011 wherein a petition filed under Section 227 Cr.P.C. by the petitioner praying to seek discharge from the offenses under Sections 408 and 420 of the Indian Penal has been rejected

4. Learned counsel for the petitioner submits that on intervention of their relatives and well wishers, the petitioner and the informant have amicably settled the financial dispute on 20.11.2021. Pursuant to the settlement a settlement deed (Faisalanama) has been drawn containing the terms and conditions.

It is further submitted that both the parties have filed their respective affidavits. Moreover, the complainant namely, Nishamani Samantaray has filed an affidavit stating therein that she has received a Demand Draft to the tune of Rs.3,00,000/- (Rupees three lakh), along with two post dated Account Payee Cheques bearing No. 764319 dated 30.01.2022 and No.764320 dated 28.02.2022 for Rs.1,00,000/- each respectively on 30.11.2021. Hence, she does not have any objection, if the proceeding in G.R. Case No.992 of 2011, arising out of Dhenkanal Town P.S. Case No.198 of 2011 pending in the court of the learned C.J.M.-cum-Asst. Sessions Judge, Dhenkanal is set aside on the ground of compromise.

5. Keeping in view the ratio decided by the Hon'ble Supreme Court in the case of **B.S. Joshi and others vrs. State of Haryana**¹, this Court is of the view that the compromise entered into between the parties, there is no need of proceeding with the criminal trial, as the only possible outcome is of the acquittal of the petitioner. There is a remote and bleak possibility of conviction of the petitioner in this case. Hence, to prevent the abuse of process of law, the criminal trial should not continue further.

6. Accordingly, the CRLREV is allowed. The impugned order dated 29.07.2016 passed by learned C.J.M.-cum-Assistant Sessions Judge, Dhenkanal in G.R. Case No.992 of 2011 is

¹ (2003) 4 SCC 675

hereby set-aside. The Affidavits filed by both the parties shall form a part of the records.

7. The CRLREV is disposed of, accordingly.

8. Issue urgent certified copy as per rules.

(S.K. Panigrahi)
Judge

LB

