



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1051 of 2025

Binodini Mandhata

....

Petitioner(s)

Mr. A. S. Paul, Advocate

-versus-

State of Odisha and another

....

Opposite Party(s)

Ms. S. Moharana, ASC

Mr. B. K. Behera, Advocate for O.P.2

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

27.03.2025

Order No.

02.

1. Heard.

2. At the instance of the opposite party No.2, the F.I.R. dated 13.08.2021 in Nayapali P.S. Case No.379 of 2021 came to be registered against the petitioner for the alleged commission of the offences under Sections 420/468/323/294/506/34 of I.P.C. On the ground of settlement, the petitioner is seeking quashing of the F.I.R and consequential proceedings.

3. The informant/opposite party No.2 lodged a complaint being I.C.C. Case No.2636 of 2021 before the learned S.D.J.M., Bhubaneswar against the present petitioner and other two accused persons inter alia alleging therein that in a family function, he met with one Chinmay Pradhan, who insisted him to purchase a plot



from one Prabir Mohanty. Thereafter, the complainant had paid Rs.10,00,000/- as advance. It is alleged that the complainant had availed a bank loan and the accused persons namely Chinmay Pradhan and Prabir Mohanty convinced him to purchase another plot from the present petitioner. The sale deed was executed between the petitioner and the complainant. Subsequently, the complainant had given Rs.10,00,000/- to the present petitioner for sale of the property. It is further alleged that all the transaction and sale purchase was made smoothly on 17.03.2017 but on 15.12.2020, the complainant came to know that the land mutated in his favour was cancelled. On the direction of the learned trial Court, the F.I.R. was registered on 13.08.2021 being Nayapali P.S. Case No.379 of 2021 against the petitioner. Hence, this case.

4. The dispute is arising out of land dealing. The opposite party No.2 alleges that although he had paid the money towards the purchase of land, however, the petitioner has not given the possession of the subject land. The F.I.R is at the nascent stage of investigation. At this stage, the parties have entered into a settlement and has filed the present petition seeking quashing of the entire criminal proceeding.



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

6. The opposite party No.2 has filed an affidavit dated 27.03.2025 inter alia stating as under:-

"1. I am the informant in Nayapali PS Case No.379, dtd. 13.08.2021 registered for the offences under Sec. 420, 468, 323, 294, 505 & 34 of IPC against the petitioner in the above noted Criminal Misc. Case No.1051 /2025 and two others, corresponding to CT Case No.4437 of 2021 in the file of Learned SDJM, Bhubaneswar.

2. That, the aforesaid PS was registered by Nayapali Police by virtue of direction of the learned SDJM, Bhubaneswar in ICC Case No.2636/2021 as per the provision U/S. 156(3) Cr.P.C. vide order dtd. 21.07.2021.

3. That, in the FIR I have alleged that the petitioner and other accused persons namely Chinmaya Pradhan and Prabir Mohanty all have cheated me for an amount of Rs.24,25,000/- in the guise of selling land in my favour.

4. That, in the meanwhile, after registration of the FIR, the dispute between me and the accused persons have been settled and that I have received my entire consideration money paid to the accused persons from them for purchasing the land and accordingly I have no more claim as per my FIR allegation against the accused persons including the present petitioner and that also as victim since the matter could be subsequently settled therefore I do not want to pursue my allegation leveled in the FIR so also the above criminal case lodged against all the accused persons any further. Thus if the said FIR lodged by me and the Criminal proceeding arising out of said FIR is dropped and the accused are set at free then I shall have no objection to the same."



7. On query from the Court, the opposite party No.2, who is present in Court submits that he has got back the entire money to the tune of Rs.24,00,000/- from the petitioner. Therefore, he does not want to proceed with the case against the petitioner as he has settled the dispute with the petitioner.

8. Ms. Moharana, learned Additional Standing Counsel for the State submits that since the dispute is arising out of land leading and the parties have settled their dispute and the opposite party No.2 has received the entire amount, this Court may give indulgence in the present matter as there is no legal impediment.

9. Regard being had to 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 Nayapali P.S. Case No.379 of 2021 corresponding to C.T. Case No.4437 of 2021 pending in the Court of the learned S.D.J.M.,



Bhubaneswar and the consequential proceedings arising therefrom qua the petitioner are 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: 28-Mar-2025 14:01:34

