



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 704 of 2026

Sheikh Shahzad Alam

....

Petitioner

Mr. Prasanta Kumar Satapathy, Advocate

-versus-

1. Sheikh Sahabaz Alam

2. Shekh Mehtab Alam

....

Opp. Parties

Mr. Saroj Kumar Rout,
Additional Standing Counsel

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

22.06.2026

Order No.

(Through Hybrid Mode)

01. 1. Heard Mr. Prasanta Kumar Satapathy, learned counsel for the Petitioner.
2. This CRLMP has been filed challenging the order dated 24.03.2026 passed in Criminal Misc. Case No. 70 of 2025 by the Executive Magistrate -cum- Sub-Divisional Magistrate, Sadar Sundargarh (Annexure-1) praying that the matter may be remanded for fresh adjudication on merit.
3. Mr. Prasanta Kumar Satapathy, learned counsel for the Petitioner submits that in Criminal Misc. Case No. 70 of 2025 which had been filed by the Petitioner under Section 164 of the BNSS. On 05.02.2026, notice has been issued to both the parties on 24.02.2026 and the case was posted to 24.02.2026. On 24.02.2026, the I.I.C., Talasara Police Station had been directed to maintain status quo to prevent breach of peace and notice was



issued to both the parties to remain present on 06.03.2026. On 06.03.2026, the matter was adjourned to 24.03.2026 on prayer of both the parties. He submits that although there is no compromise between the parties nor any petition to that effect submitted by the Opposite Party No.1, but on 24.03.2026, the learned Executive Magistrate, Sadar, Sundargarh under the incorrect presumption that the matter had been settled amicably between the parties and disposed of in Criminal Misc. Case No. 70 of 2025, observing that he heard the statements of both the parties and on being examined both agreed that the dispute has been amicably settled, for which the terms of settlement are as follows:-

“1. The passage in dispute shall remain jointly accessible to both parties.

2. The existing lock shall be replaced, and:

One key shall remain with the 1st party.

One key shall remain with the 2nd party.

3. Neither party shall obstruct ingress of egress of the other through the said passage.

4. Both parties undertake to maintain peace and harmony and not to disturb possession without due process of law.”

4. Without any statement or settlement in writing, the learned Executive Magistrate, Sadar, Sundargarh has erroneously disposed of the proceeding stating that the compromise is accepted and modifying the earlier status quo order.

5. Issue notice to the Opposite Parties.



6. Requisites for issuance of notice to the Opposite Parties through Speed Post with A.D shall be filed by 24.06.2026.
7. List this case on 04.08.2026 along with postal tracking report.

I.A. No. 134 of 2026

8. Issue notice as above.
9. One set of process fee shall be accepted.
10. In the meanwhile, the operation of the order dated 24.03.2026 passed in Criminal Misc. Case No. 70 of 2025 by the Executive Magistrate-cum-SDM, Sadar Sundargarh shall remain stayed till the next date.
11. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

Sukanta