



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3717 of 2022

Smt. Binapani Mishra

....

Petitioner

-versus-

1. State of Odisha

2(a). Sanjukta Mishra

2(b). Bani Prasad Mishra

2(c). Surya Prasad Mishra

....

Opposite Parties

Advocates appear in this case through hybrid mode:

For Petitioner : Mr. Ansuman Ray, Advocate

For Opposite Parties : Mr. Saroj Kumar Rout,
Additional Standing Counsel
(For Opposite Party No.1)

Mr. Ramesh Chandra Behera, Advocate
(For Opposite Party Nos.2(a), 2(b) and 2(c))

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

J U D G M E N T

Date of Hearing and Judgment : 25.03.2026

Savitri Ratho, J. This CRLMC has been filed by the Petitioner with a prayer to quash the impugned order dated 27.11.2019 passed by the learned SDJM, Puri in G.R. Case No.1415 of 2017, arising out of Baliapanda P.S. Case No.62 of 2017, taking cognizance of commission of the offences under Sections 419 and 420 of the IPC.



PROSECUTION CASE

2. The prosecution allegation in brief is regarding preparation of forged documents in the name of the Opp. Party No. 2 (informant) by the petitioner. It is further alleged that the petitioner has sold away the landed property of the Opp. Party No. 2 at Sipasarubali mouza by obtaining a fabricated power of attorney vide deed No. 338 dated 20.11.1989 at the District Sub-Registrar office, Puri. On his complaint FIR in Baliapanda P.S. Case No.62 of 2017 was registered. After completion of investigation, the I.O. submitted chargesheet against the petitioner on 03.10.2019 for the offences under Sections 419/420 of the I.P.C.

MEDIATION

3. The matter had been referred for mediation and was successful. But before the terms of agreement between the parties could be worked out, Opposite Party No.2 in the case, who was the informant in Baliapanda P.S. Case No.62 of 2017 Sri Sankarsan Mishra expired and the amount of Rs.8 lakhs could not be handed over to him.

4. Paragraph-2 of the order of this Court passed on 23.04.2025 is extracted below:



“2. It is stated by counsel for the petitioner and the counsel for the Opposite Party No.2 that the matter had been sent to mediation and the mediation has succeeded for which the petitioner has come with a demand draft of Rs. 8 lakhs in the name of Opp. Party No.2. As per the report dated 28.03.2025 the petitioner is required to pay an amount of Rs. 8 lakhs to the Opp. Party No.2 (informant)-Sankarsan Mishra and after receiving the same amount the Opp. Party shall not make any further claim in connection with Baliapanda P.S. Case No. 62 of 2017 and shall file an affidavit to that effect and that receiving the full and final amount, the Opp. Party shall file his withdrawal petition memo in the cases which are pending before the learned SDJM, Puri. So they want to file affidavits/joint affidavit.”

SUBMISSIONS

5. Mr. Ansuman Ray, learned counsel for the Petitioner produces two Demand Drafts, bearing No.121630 dated 18th March, 2026 of Bandhan Bank for Rs.5 lakhs and No.500534 dated 18th March, 2026 drawn on ICICI Bank, Cuttack for Rs.3 lakhs, both drawn in favour of Sanjukta Mishra. Photocopies of the Demand Drafts are also filed in Court. Both the demand drafts are handed over to Mr. Ramesh Chandra Behera, learned counsel for the Opposite Party Nos. 2(a), 2(b) and 2(c). He submits that the payment



is in accordance with the settlement arrived between the petitioner and Opposite Party No.2 before the mediation. So the proceedings may be quashed as per the agreement.

6. In paragraph-4 of IA No.505 of 2026, filed by the Opposite Party Nos.2(a), 2(b) and 2(c), who are the legal heirs of late Sankarsana Mishra, it has been stated as follows:

“4. That as per order dated 23.4.2025 of the Hon’ble High Court, Odisha we shall not make any further claim in connection with Baliapanda P.S. Case No.62 of 2017 and filed this I.A. petition to that effect that we have received the full and final amount from the Opp. Party No.2 Sankarsana Mishra and will withdraw the petition pending before the learned SDJM, Puri for closure of the case.”

7. Mr. Ramesh Chandra Behera, learned counsel for the Opposite Parties submits that the complainant-Opposite Party No.2 had agreed for settling the matter during mediation. But the settlement could not be worked out on account death of the Opposite Party No.2, his legal heirs are agreeable to the terms of the settlement and have stated so in IA No.505 of 2026.

8. Mr. Ramesh Chandra Behera, learned counsel for the Opposite Parties No. 2(a) to 2(c) also submits that the the sons of deceased Opposite Party No.2, namely, Shri Bani Prasad Mishra and



Shri Surya Prasad Mishra have authorized their mother-Ms. Sanjukta Mishra to receive the demand drafts of Rs.8,00,000/- in her name.

9. Mr. Saroj Kumar Rout, learned Additional Standing Counsel submits that in view of the settlement between the parties and as Section 419 and Section 420 of the IPC are compoundable, the proceedings can be quashed.

ANALYSIS

10. As per Section 320 of the Cr.P.C., the offence under Section 419 of the IPC can be compounded by the person who has been cheated and the offence under Section 420 of the IPC can be compounded by the person cheated but with the permission of the Court.

11. The amount of Rs.8 lakhs two Demand Drafts are served on the learned counsel for the Opposite Parties Nos.2(a), 2(b) and 2(c) in Court today. It had been agreed between the parties that Opposite Party No.2 would not proceed with the case before the learned SDJM, Puri, if this amount would be paid. Opposite Party No.2 has thereafter expired but his legal heirs have agreed to abide with the terms of the settlement.

12. So without going into the question whether a dispute of this nature could be settled by way of mediation, in view of the settlement



between the Parties, payment of Rs.8 lakhs by way of demand drafts to the legal heirs of the complainant and as the offences are compoundable, I am satisfied that this is a fit case where in exercise of power under Section 482 of the Cr.P.C., the proceedings in G.R Case No. 1415 of 2017 which are pending since about nine years should be quashed in the interest of justice.

CONCLUSION

13. The proceeding in G.R. Case No.1415 of 2017 in the file of the learned SDJM, Puri which arises out of Baliapanda P.S. Case No.62 of 2017 are accordingly quashed.

14. The CRLMC is accordingly allowed.

(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated the 25th March, 2026/RKS/subhalaxmi