

GAHC010178752023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./842/2023

HDFC ERGO GENERAL INSURANCE COMPANY LIMITED AND ANR
HAVING ITS REGISTERED AND CORPORATE OFFICE AT FIRST FLOOR,
HDFC HOUSE, 165-166 BACKDAY RECLAMATION, H.T. PAREKH MARG,
CHURCHGATE, MUMBAI-400020, MAHARASHTRA ITS ZONAL OFFICE AT
FOURTH FLOOR, LOCK-C, 22 CAMAC STREET, KOLKATA, 700016 AND HE
REGIONAL OFFICE IS AT ADITYAM TOWER, 6TH FLOOR, ULUBARI, G.S.
ROAD, GUWAHATI, KAMRUP (M), ASSAM IS REPRESENTED BY ITS
SENIOR -MANAGER, LITIGATION DEPARTMENT AND T.P. CLAIMS.

2: MR. KALYAN KUMAR SENGUPTA
SENIOR MANAGER
LITIGATION DEPARTMENT AND T.P. CLAIMS
POSTED AT REGIONAL OFFICE AT ADITYAM TOWER
6TH FLOOR
ULUBARI
G.S. ROAD
GUWAHATI
KAMRUP (M)
ASSAM
PIN-78100

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2: SRI DILIP KUMAR BORDOLOI
S/O LATE DURGADHAR BORDOLOI
R/O SONARI GAON
NA ALI
DHEKIAJULI
POST OFFICE- NA ALI DHEKIAJULI
P.S. TITABOR JORHAT
ASSAM

PIN-78500

Advocate for the Petitioner : MR T KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

18/07/2024

Heard Mr. T Kalita, learned counsel for the petitioners and Mr. K Baishya, learned Additional Public Prosecutor, Assam for the respondent No. 1. Also heard Mr. S R A Naser, learned counsel for the respondent No. 2.

2. The respondent No. 2 on 06.03.2023 filed a complaint petition before the learned Chief Judicial Magistrate, Jorhat against the petitioners for committing the offence under Sections 406/420 IPC and prayed to direct the petitioners herein to pay the claim amount of Rs.35,595/-, with fine of Rs.20,000/- and the Advocate's fee of Rs.15,000/-, i.e., total Rs.70,595/-, which was registered and numbered as C.R. Case No. 133/2023. By order dated 09.03.2023, the learned Chief Judicial Magistrate, Jorhat transferred the said C.R. Case No. 133/2023 to the Court of the learned Judicial Magistrate, First Class, Jorhat for disposal. After recording of the deposition of the complainant in said C.R. Case No. 133/2023, the learned JMFC, Jorhat on 25.04.2023 took cognizance of the offence against the petitioners and issued summons to them for their appearance.

3. Aggrieved with the same, the petitioners have filed this criminal petition on 11.08.2023 praying amongst others to set aside and quash the said order dated 25.04.2023 passed by the learned JMFC, Jorhat in said C.R. Case No. 133/2023.

4. While issuing notice in this case to the respondent, the Court by order dated 16.08.2023, in the interim, suspended the proceeding of said C.R. Case No. 133/2023 registered under Sections 406/420 IPC pending before the learned JMFC, Jorhat and the same is still in force.

5. Perused the order dated 10.06.2024 passed earlier by a co-ordinate Bench of this Court in the present proceeding.

6. Mr. Naser, learned counsel for the complainant/respondent No. 2 has placed a photocopy of

the certified copy of the order dated 12.07.2024 passed by the learned JMFC, Jorhat in said C.R. Case No. 133/2023 under Sections 406/420 IPC which goes to show that on the basis of a petition No. 703/2024 filed by the respondent No. 2 herein, i.e., the complainant, the learned JMFC, Jorhat on 12.07.2024 compounded the offence under Sections 420/406 IPC against the present petitioners involved in said C.R. Case No. 133/2023 and acquitted them of those offences under Sections 420/406 IPC and accordingly, by the said order dated 12.07.2024, the learned JMFC, Jorhat disposed of the said C.R. Case No. 133/2023 compounding the offence under Sections 420/406 IPC against the petitioners.

7. In view of the above, nothing survives to be adjudicated in this criminal petition by the Court. Accordingly, this criminal petition stands dismissed being infructuous.

8. Photocopy of the order dated 12.07.2024 passed by the learned Judicial Magistrate, First Class, Jorhat in C.R. Case No. 133/2023 placed by Mr. Naser, learned counsel for respondent No. 2, noted above, be kept as a part of the record.

JUDGE

Comparing Assistant