

25.11.2020
CT No.19
Item No.15
pk

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

CRR No. 1642 of 2020
With
CRAN No. 2 of 2020

In the matter of:- Amit Anand & Anr.
petitioners

Mr. Dipanjan Dutt for the petitioners

Mr. Antarikhya Basu,
Mr. Sayan Mukherjee,
Ms. Madhumita Basak for the O.P. No. 2

Bidhan Nagar East Police Station Case No. 11 of 2020 dated 08.02.2020 was registered on the basis of a complaint filed by one Smt. Sobha Devi Jalan against the petitioners stating, inter alia, that they took a loan of Rs. 41 lakhs from the de facto complainant/opposite party no. 2 herein with condition for repayment but they failed and neglected to repay the said amount.

Now the parties have arrived at a mutual settlement. A memorandum of understanding has been executed by and between the parties. Payment of the loan amount has already been made in favour of the opposite party no. 2. Under such circumstances, the petitioners have prayed for quashing of the criminal proceeding.

It is submitted on behalf of the petitioners relying on the decision of the Hon'ble Supreme Court in the case of Gian Singh -vs- State of Pubjab & Anr. reported in (2012) 10 SCC 303 that the power of the High Court for quashing of a criminal proceeding and the power to compound is an offence under Section 320 of the Code of Criminal Procedure to operate in two different fields. Inherent power of the High Court to quash a proceeding is having wide plentitude and the court can quash a proceeding or FIR (1) to secure ends of justice, or (2) to prevent abuse of the process of any court.

However, Section 320 operates exclusively within the statutory limit in respect of the offences delineated in the said Section for compounding.

It is submitted by the learned advocate for the petitioner that the dispute essentially arises out of breach of contract between the parties. Now the parties have arrived at an amicable settlement. Whatever may be the offences under which the case was instituted by the police, the same are absolutely private in nature. There is no social implication or the breach of contract by and between the parties does not have serious impact on society. Therefore, the proceeding may be quashed.

Learned Advocate for the de facto complainant also submits that when the matter has been settled by

and between the parties, he has no objection if the criminal proceeding is quashed.

None appears on behalf of the State.

Following the same principle in the instant case, this court can also quash the criminal proceeding being Bidhan Nagar East P.S. Case No. 11 of 2020 corresponding to G.R. Case No. 100 of 2020. Accordingly the abovementioned criminal proceeding is quashed. The instant revision along with CRAN 2 of 2020 are thus allowed, however without cost.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Bibek Chaudhuri, J.)