

**CRR 229 of 2021**

**with**

**CRAN 1 of 2021**

In re : An application under Section 482 of the Code of Criminal Procedure.

In the matter of : **Goutam Sarkar & Ors.**

**..... petitioners**

**Ms. Roma Roy (Dey)**

**.....For the petitioners**

**Mr. Madhusudan Sur, Id. APP**

**Mr. Dipankar Pramanick**

**.....For the State**

**Mr. Ankit Agarwala**

**Ms. Alotriya Mukherjee**

**Mr. Vineet Ojha**

**.....For the opposite party nos. 2, 3**

This is an application for quashing of proceeding being Serampore Police Station Case No. 307 of 2020 dated October 9, 2020, under Sections 380/419/420/406/467/468/120B/34 of the Indian Penal Code, 1860. The parties have filed a joint petition and prayed for quashing of the said criminal proceeding.

It appears from the submission advanced on behalf of the State that the charge-sheet in this case, however, was filed ultimately under Sections 420/406/120B of the Indian Penal Code.

The dispute arose between the members of the opposite party no. 2, which is the association of the bank employees of United Bank of India.

Petitioners are the erstwhile office-bearers of the said association.

The de-facto complainant is the opposite party no. 3, who is the Secretary of the said association. The opposite party no. 3 filed a complaint before the relevant police station against the petitioners.

It has been submitted on behalf of the learned advocate for the opposite party no. 2 and 3 that the disputes between the parties have been amicably settled, and the alleged misappropriated money has also been refunded. He submits that in such facts and circumstances of the case, the continuance of the proceedings will be a miscarriage of justice.

Ms. Roma Roy (Dey), learned advocate appearing for the petitioners does not dispute the fact of settlement and the other factual aspect of the case as submitted by the learned advocate appearing on behalf of the opposite party no. 3.

I am of the view that the judgment reported at **(2015) 15 SCC 707 (*Anil Jain Vs. State of Uttar Pradesh*)**, a case of this nature may be quashed in exercise of the power under Section 482 of the Code of Criminal Procedure, 1973.

The revisional application being CRR No. 229 of 2021, thus, stands allowed.

The proceedings being G.R. Case No. 1401 of 2020 under Sections 420/406/120B of Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly is quashed.

The connected application being CRAN 1 of 2021 is disposed of in terms of the above.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Kausik Chanda, J.)**