

08.09.2021

Sl. No. 126

Srimanta

Ct. No. – 34

D/L

IA No.:CRAN/5/2019 (Old No.:CRAN/4179/2019)

in

CRR/184/2014

(Via Video Conference)

In Re : An application under Sections 482/401 of the Code of Criminal Procedure, 1973 for quashing of the entire proceeding arising out of G. R. Case No. 3152 of 2008 pending before the Learned Judicial Magistrate, 1st Court at Barrackpore, North 24-Parganas.

In the matter of : Swapan Dutta .

... petitioner.

Mr. Debabrata Banerjee, Adv.,
Mr. Samir Kumar Chakraborty, Adv.,
Mr. Koushik Bhattacharyya, Adv.

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Adv.,
Mr. Rana Mukherjee, Adv.,
Mrs. Debjani Sahu, Adv.

...for the State.

Pursuant to the order dated 23.08.2021 Mrs. Debjani Sahu, Learned Advocate appearing for the State has submitted a report which has been prepared by the concerned police officer of Gholia Police Station associated with Barrackpore Police Commissionerate. The report reflects that the cheques which were issued pursuant to the compromise arrived at between the parties have already been encashed. To that effect a copy of the Branch Manager has also been enclosed. The dispute referred to in the F.I.R., *prima facie*, is a private and personal dispute. Although the Sections which were inserted are Sections of non-compoundable offence being Sections 420/406/468 of the Indian Penal Code which relates to offences of cheating and forgery as defined under the Indian Penal Code. In view of the settled proposition of

law that in cases of private and personal dispute where the parties have arrived at compromise and the chance of conviction are bleak the Court should not encourage for continuance of such proceedings. I am of the view that the further continuance of the proceedings is unwarranted for the present set of circumstances as it reflects from the record of the case. Accordingly, Ghola Police Station Case No. 192 of 2008 and the charge-sheet filed therein being Charge-sheet No. 76 of 2009 under Sections 406/420/467/468/471/108/120B of the Indian Penal Code and the proceedings arising thereof should not be allowed to continue. Accordingly, the same is quashed. In view of the compromise arrived at C.R.R. 184 of 2014 is allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is made absolute.

The Learned jurisdictional Court is directed to act on the server copy of this order.

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

(Tirthankar Ghosh, J.)