

**CRR 390 of 2021
With
CRAN 1 of 2021
(Through Video Conference)**

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973

And

In the matter of: Western India Transport Finance
Company Private Limited & Ors.

.... Petitioners

Mr. Sarathi Dasgupta,
Mr. Sunny Nandy,
Mr. Rohit Banerjee,
Mr. Vibhon Kapoor,
Mr. Devesh Juneja,
Mr. Subha Pathak,
Mr. Suvrnil Saha
Mr. Suryaneel Das

...For the Petitioners

Mr. Prasun Kumar Dutta,
Ms. Sukanya Bhattacharya,
Md. Kutubuddin

...For the State

Mr. Preetu Chaudhary

...For the Defacto Complainant

This is an application for quashing of G.R. Case No. 01 of 2021 arising out of Misc. Case No. 94 of 2020 under Sections 406/409/415/418/419/420/421/467/468/120B/34 of the Indian Penal Code, 1860, pending before the Court of the learned Additional Chief Metropolitan Magistrate, 2nd Court, Kolkata.

The complaint was lodged by the opposite party no. 2 primarily on the ground that the petitioner made default in making repayment of a loan of Rs.1 crore, which was given to petitioner no. 1 by an agreement dated September 16, 2017.

The parties, namely the petitioners and the opposite party no. 2, jointly submit that the disputes between the parties have been amicably settled. A compromise application being CRAN 1 of 2021 has been filed. A copy of the terms of settlement arrived at by and between the parties has been annexed to the application.

Since the complaint discloses private commercial disputes, I am of the opinion that the continuation of the case even after the settlement of disputes between the parties will be an abuse of the process of law.

It has been held by the Supreme Court in the case reported at **(2019) 5 SCC 688 (State of Madhya Pradesh -Vs- Laxmi Narayan)** as follows:-

“**15.**Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under [Section 482](#) of the Code to quash the criminal proceedings for the non-compoundable offences under [Section 320](#) of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

.....

15.5.While exercising the power under [Section 482](#) of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

In view of the law laid down as above, this application for compromise being **CRAN 1 of 2021** is allowed. The proceeding being

G.R. Case No. 1 of 2021 arising out of Misc. Case No. 94 of 2020 under Sections 406/409/415/418/419/420/421/467/468/120B/34 of the Indian Penal Code, 1860, pending before the Court of the learned Additional Chief Metropolitan Magistrate, 2nd Court, Kolkata, stands quashed.

Accordingly, the revisional application being **CRR 390 of 2021** and **CRAN 01 of 2021** are disposed of.

(Kausik Chanda, J.)