

CRR 1572 of 2021

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Alliance Book Suppliers Pvt Ltd. & Anr.**
..... petitioners

Mr. Debabrata Dhar
Mr. Pradyut Kumar Roy
Ms. Paramita Sahu

....For the petitioners

Ms. Sukanya Bhattacharyya
Mr. Mirza Firoz Ahmed Begg

.....For the State

Mr. Sudipto Panda

.....For the de-facto complainant

This is an application for quashing of the F.I.R. No. 415 dated June 22, 2021, under Sections 420/406 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate, Barrackpore.

The petitioner no. 1 is a private limited company, and the petitioner no. 2 is the Managing Director of the said company.

From the relevant complaint dated June 22, 2021, it appears that the complainant in the said case is the Assistant Administrative Officer (P) of Central Research Institute of Jute & Allied Fibres (the institute in short).

The said institute placed an order for the supply of journals amounting to Rs.8,18,243/- in the year 2015, and for such supply of books, an advance payment of Rs.8,18,243/- against a bank guarantee was made to the petitioner no. 1. The petitioner no. 1 supplied journals amounting to Rs.4,56,319/-, but journals worth Rs.3,61,924/- were not supplied. A claim was made for refund of the said amount, and petitioner no. 1 issued two

cheques amounting to Rs.2,00,000/- and Rs.1,61,924/-. The cheque of Rs.2,00,000/- was credited, but the cheque of Rs.1,61,924/- was dishonoured. Therefore, an amount of Rs.51,924/- remained unpaid by petitioner no. 1 to the institute.

A plain reading of the F.I.R. clearly shows that the disputes between the parties are purely civil in nature arising out of a contract. The initial supply of books and repayment by cheque also show that there was no dishonesty on the part of the petitioner nos. 1 and 2 from the inception of the transaction.

The institute, however, has come up with a fair stand by filing an affidavit before this Court. The de-facto complainant has disclosed in the affidavit that the petitioners had already made a payment of Rs.51,924/- and there is no further due from the petitioners.

It has further been disclosed in the said affidavit that the de-facto complainant has no objection, if the present criminal proceeding is dropped against the petitioners.

As noted above, the disputes between the parties are purely civil in nature and since the de-facto complainant is not interested to proceed with the case any further in view of the full payment made by the petitioners, I do not see any justification to continue with the criminal proceeding initiated against the petitioners.

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 aforesaid, the criminal proceeding being G.R. No. 5103 of 2021 under Sections 420/406 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate at Barrackpore stands quashed.

The revisional application being **CRR 1572 of 2021** is disposed of.

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

(Kausik Chanda, J.)