

CRR 1590 of 2021

with

CRAN 1 of 2021

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

In the matter of : **Basant Kumar Nahata**

..... petitioner

**Mr. Pradip Sancheti
Mr. Pratim Priya Dasgupta
Mr. Amit Dey
Mr. Biswajit Cowdhury**

....For the petitioner

**Ms. Sukanya Bhattacharyya
Mr. Mirza Firoj Ahmed Begg**

.....For the State

**Mr. Apalak Basu
Mr. Abhijit Sarkar
Mr. Nazir Ahmed
Mr. Sachal Seth**

.....For the opposite party no. 2

The parties seek to quash the present criminal proceeding initiated under Section 409/120B of the Indian Penal Code, 1860, being C.G.R. Case No. 4505 of 2019, pending before the learned Chief Judicial Magistrate, Alipore, on the ground of compromise.

The opposite party no. 2 in this revisional application has made a complaint against the petitioner, alleging, *inter alia*, that the petitioner being a broker, was entrusted with a sum of Rs.2.5 crore and cash of Rs.1.5 lakh for the purchase of GOI Bonds, but he misappropriated the said money and the Government bonds was never purchased in the name of the opposite party no. 2.

It was further alleged that the opposite party no. 2, in collusion with some other persons had manufactured a false document forging the signature of the opposite party no. 2 for causing wrongful loss to her.

The said compliant ultimately resulted in filing of a charge sheet under Sections 409/120B of the Indian Penal Code, 1860 against the petitioner.

By filing a compromise petition before this Court, parties submit that the petitioner has made payment of a substantial sum to the opposite party no. 2, and the parties have entered into three memorandum of understanding to resolve the disputes amicably. Therefore, the complainant/opposite party no. 2 does not want to proceed with the criminal proceedings any further in view of the settlement arrived at between the parties.

The statement of the opposite party no. 2 has been recorded by the concerned police station in terms of my order dated August 25, 2021.

It appears that the petitioner no. 2 has no objection, if the present criminal proceeding is dropped as she has already received Rs. 1.5 crore as full and final settlement of her claim.

Since the dispute is private in nature having no wide impact in the society and the opposite party no. 2 does not want to proceed with the criminal case any further, in my view, there is no justification for continuing this criminal proceeding.

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 that view of the matter, the present criminal case being C.G.R. Case No. 4505 of 2019 pending before the learned Chief Judicial Magistrate, Alipore, stands quashed.

The revisional application being **CRR 1590 of 2021**, and the application being **CRAN 1 of 2021**, are 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.)