

15.12. 2022
item No.10
n.b.
ct. no. 42

**CRR 305 of 2022
with
I A No. CRAN 1 of 2022**

**M/s. Pancham Enterprises & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani
.... For the petitioners.

Mr. Ankit Agarwala,
Mrs. Matriya Mukherjee,
Mrs. Sonal Agarwal,
Mr. Robin Basu,
.....for the complainant party

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee
.....for the State.

This is an application for effecting settlement of G.R. Case No.936 of 2017 corresponding to charge sheet no.89 of 2018 dated May 28, 2018 under Section 406/409/420/120B/506/507/34 of the Indian Penal Code. The petitioners are the accused persons in respect of the above-mentioned case.

It is submitted on behalf of the petitioners that the petitioners purchased Cement for commercial purpose from the Complainant Company. A sum of Rs.15,00,000/- remain due. For non-payment of the said sum the complainant filed a complaint under Section 138 of the Negotiable Instrument Act against the petitioners. Again the petitioners are erred in the G.R. Case No.

936 of 2017 alleged commission of offence under Section 409/420 of the Indian Penal Code read with other penal provisions.

At this stage, a joint settlement has been arrived at and in terms of the settlement the petitioners have already paid sum of Rs.9,00,0000/-. It is further settled that the balance amount have to be paid on the date when the proceeding under section 138 of the Negotiable Instrument Act is dropped.

Learned advocate for the complainant has admitted of execution of such settlement.

Considering the terms of the settlement and in view of the Hon'ble Supreme Court in the case of Parbatbhai Aahir alias Parbatbhhai Bhimsinbhai Karmur & Ors. vs. State of Gujarat & Anr. reporte din (2017) 9 Supreme Court Cases 641, I am inclined to accept the joint petition for compromise. Moreover as per the order of this Court the Inspector of Police attached to Purulia(M) police station has submitted a report that the de facto complainant has settled the dispute with the accused persons. In view of such circumstances, the joint petitioner for compromise is accepted. G.R. Case No. 936 of 2017 pending before the learned Judicial Magistrate at Purulia be quashed.

Accordingly, the application being CRAN 1 of 2022 is, thus, disposed of.

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

(Bibek Chaudhuri, J.)