

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**IA No.:CRAN/1/2022
in
CRR 406 of 2022**

**Sri Premnath Agarwalla & Ors.
Vs.
State of West Bengal & Anr.**

**For the petitioners : Ms. Aafreen Perveen, Adv.,
Mr. Diksha Ghosh, Adv.**

**For the State : Mr. Sudip Ghosh, Adv.,
Mr. B. Banerjee, Adv.**

**For the opposite
Party No. 2 : Ms. Minal Palana, Adv.**

Judgement on : 23.08.2022.

Bibek Chaudhuri, J.

The petitioners being the accused persons have filed the instant revision praying for quashing of proceedings in connection with Durgapur Police Station Case No. 279/2006 corresponding to G. R. Case No. 808/2006 under Sections 442/120B/34 of the Indian Penal Code presently pending before the 3rd Court of the Learned Judicial Magistrate at Durgapur.

In the said revision the parties have filed CRAN/1/2022 stating, *inter alia*, that the dispute has been amicably settled by

and between the parties and the *de facto* complainant does not want to proceed with the said case against the petitioners.

On receipt of such application, this Court passed an order on 15th June, 2022 directing the Learned Public Prosecutor-in-Charge to communicate with the Officer-in-Charge of the concerned Police Station who would depute officer of his choice for recording statement for the *de facto* complainant/private opposite party who has affirmed the joint compromise petition. Specific question must be asked as to whether the *de facto* complainant intends to pursue the criminal case before the Trial Court.

The Learned Public Prosecutor-in-Charge has submitted a Police report wherefrom it is ascertained that the Officer-in-Charge of Durgapur Police Station duly complied with the said order dated 15th June, 2022 and recorded a statement of *the de facto* complainant/opposite party no. 2 on 7th July, 2022. On perusal of the said statement of the *de facto* complainant it is ascertained that the dispute between the parties has been amicably settled and the *de facto* complainant does not want to pursue the said case being Durgapur Police Station Case No. 279/2006 corresponding to GR Case No. 808/2006.

More so, on careful perusal of the revisional application as well as the application for effectuating compromise it is ascertained that the dispute between the parties had cropped up over a commercial transaction. The dispute is essentially private in nature having civil consequences.

Under the above backdrop, continuation of trial of GR Case No. 808/2006 pending before the jurisdictional Magistrate

will be futile exercise of judicial time, if not abuse of the process of the Court.

Therefore, I am inclined to record compromise in the instant case. The revisional application is accordingly dropped in terms of the settlement arrived at by and between the parties. The petitioners and the opposite party no. 2 are directed to file a similar application before the Trial Court and on such application being filed by the parties, the Learned Magistrate shall dropped further proceedings in GR Case No. 808/2006 with immediate effect.

The parties are at liberty to act on the server copy of this order.

In view of the above order execution of warrant of arrest issued against the petitioners be kept in abeyance till final order being passed in GR Case No. 808/2006.

It is also made clear that if the petitioners voluntarily surrender before the Trial Court, the Trial Court shall consider in view of the compromise already arrived at by and between the parties as to whether the petitioners can be released on execution of P.R. Bond.

(Bibek Chaudhuri, J.)