

11.8.2022
Court No.33
Sl. No.3
SD

CRR 1029 of 2020
With
CRAN 1 of 2020
(CRAN 1335 of 2020)

In the matter of: Sri Shaunak Banerjee @ Shounak Banerjee
.....Petitioner.

Ms. Aindrila De

... for the Petitioner.

Mr. Prasun Kumar Dutta

Md. Kutubuddin

Mr. Santanu Deb Roy

... for the State.

The present revisional application under Section 482 of the Code of Criminal Procedure has been preferred for quashing of the proceeding being GR 73 of 2020 pending before the learned Additional Chief Judicial Magistrate at Biddhanagar, North 24-Parganas arising out of Biddhanagar North Police Station Case No.10 dated 30.01.2020 under Sections 341/323/379/506 of the Indian Penal Code against the petitioner.

It is submitted on behalf of the petitioner that due to misunderstanding between the petitioner and the opposite party no.2, the opposite party no.2 lodged a written complain, alleging that the petitioner has assaulted him over a claim of money which the opposite party no.2, owed to the petitioner and the petitioner had purportedly taken away his bike and one mobile phone.

Accordingly, complain was registered at Biddhanagar Police Station being Biddhanagar Police Station Case No.10 dated 30.01.2020 under Sections 341/323/379/506 of the Indian Penal Code. After completion of investigation, charge-sheet has been submitted under Sections 341/323/506 of the Indian Penal Code on 16.7.2020. Parties have entered into a settlement in the

meantime. As the dispute and differences between the parties have already been amicably settled, the opposite party no.2 does not want to proceed further with the impugned criminal proceeding. Accordingly, petitioner submits that in the above backdrop the continuance of the present proceeding will be a mere abuse of process of Court.

On the basis of submission made by the petitioner, the investigating officer was directed to record statement of both the complainant and the accused. Accordingly, investigating officer has submitted a report along with the statements of the defacto complainant and the accused which goes to show that the parties have amicably settled their disputes and they do not have any grievance against each other and as such, defacto complainant does not want to continue the criminal proceeding against the petitioner.

Considering the facts and circumstances of the case and that the parties have amicably settled their dispute out of court and that in view of the amicably settlement, chance of conviction of the present petitioner is bleak and also relying upon the ratio of the judgment of the Hon'ble Apex Court, in ***B.S. Joshi & others Vs. State of Haryana & another***, reported in **AIR 2003 SC 1386**, and also considering the fact that no useful purpose is likely to be served by allowing present criminal prosecution to continue, I find that this is a fit case where invoking power under Section 482 of the Code of Criminal Procedure, the present proceeding is required to be quashed.

Accordingly, CRR 1029 of 2020 is allowed and all the proceeding in G.R. Case No.73 of 2020 pending before the learned

Additional Chief Judicial Magistrate, Biddhanagar, North 24-Parganas arising out of Biddhanagar Police Station Case No.10 dated 30.01.2020 under Sections 341/323/379/506 of the Indian Penal Code is quashed.

CRAN 1 of 2020 is also disposed of accordingly.

The report submitted by the I.O. through public prosecutor in Court today be kept with the record.

However, there will be no order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Ajoy Kumar Mukherjee, J.)