

19.04.2022

Item No.56
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 888 of 2021
with
CRAN 2 of 2021**

**Durgapur Medical Centre Pvt. Ltd. & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed in connection with New Township Police Station Case No. 28/2021 dated 09.03.2021 (G.R. Case No. 406 of 2021) under Sections 406/420/338/506/34 of the Indian Penal Code and Sections 28/34(1)(4) of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Biswajit Manna ... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Maji ... For the Opposite Party No.2.

The Memo of Evidence submitted by Mr. Sur, learned advocate appearing for the State be kept on record. The said Memo of Evidence has been prepared by the Inspector-in-Charge, Bidhannagar O.P. P.S.-NTS, ADPC. The last paragraph of the said Memo of Evidence reads as follows :-

“The complainant also sent letter to the Deputy Commissioner of Police, Zone-1(East), Durgapur Paschim Bardhaman along with the copy of affidavit from which it could be learnt that the defacto complainant of this case Sk Abdul Alim moved before the Ld. Judicial Magistrate, Durgapur and filed an Affidavit in which he stated that his mental condition was not stable due to health

hazards/ailment for the same he filed the complaint erroneously and inadvertently and the accused persons are in no way connected with this complaint and not at all involved. At the intervention of mutual/good friends, well wisher and also advised members of his family the complainant intended to withdraw the case. He also expressed that if the alleged accused persons be discharged/acquitted from this case he will have no objection on submission of FR MF by the Investigating Authority and intended not to proceed with this case.”

A joint compromise petition has also been filed by the petitioners as well as the private opposite party no.2 at whose instance the instant case was initiated. Having regard to the allegations made in the application under Section 156(3) of the Code of Criminal Procedure and the subsequent observation of the investigating officer in the Memo of Evidence, I am of the opinion that further continuance of the proceedings is unwarranted. Accordingly, the proceedings being New Township Police Station Case No. 28/2021 dated 09.03.2021 (G.R. Case No. 406 of 2021) under Sections 406/420/338/506/34 of the Indian Penal Code and Sections 28/34(1)(4) of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017 are hereby quashed.

Thus, the revisional application being CRR 888 of 2021 along with CRAN 2 of 2021 is allowed.

Interim order, if any, is hereby made absolute.

Pending connected application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)