

05.05.2022
Sl. 8
Court No.40
SD

C.R.R. 905 of 2017
With
CRAN 5 of 2018
(Old CRAN 1082 of 2018)
With
CRAN 7 of 2020
(Old CRAN 637 of 2020)

In the matter of: Tarun Kumar Natta

....petitioner.

Mr. Kumarjyoti Tewari
Ms. Rajlakshmi Ghatak
Mr. Aniruddha Tewari

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Amita Gaur

...for the State.

Mr. Dhananjay Banerjee
Mr. Tanmoy Khan
Ms. Oindrila Ghosh

...for the Opposite Party No.2.

This is an application for quashing GR Case No.5772 of 2014 arising out of Nimta Police Station Case No.255 of 2014 dated October 9, 2014, under Sections 420/406/120B of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas.

It has been jointly submitted by the parties before this Court that the dispute between the parties is arising out of a financial transaction whereby the opposite party no.2 advanced a sum of Rs.1 lakh on February 19, 2010, as a loan to the petitioner.

It has been further submitted jointly by the parties that the dispute between the parties has now been settled amicably. The petitioner had repaid opposite party no.2 a sum of Rs.1 lakh by cheque as a full and final settlement between the parties. The opposite party no.2 is no more willing to proceed with the criminal case in view of the settlement arrived at.

The relevant investigating officer has also filed a report before this Court, wherefrom it appears that the opposite party no.2 admitted that such payment had been made by the

petitioner.

Learned advocate representing the opposite party no.2 also has made over to this Court an instruction from his client, indicating that the opposite party no.2 is not inclined to proceed further with the criminal case.

Let the instruction and the report from the police be kept with the record.

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 view of the aforesaid, I find no justification in continuation of the present criminal case and accordingly, GR

Case No.5772 of 2014 arising out of Nimta Police Station Case No.255 of 2014 dated October 9, 2014, under Sections 420/406/120B of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas stands quashed.

The petitioner may be discharged from his bail bond by the learned Magistrate in the Court below.

Accordingly, CRR 905 of 2017, CRAN 5 of 2018 (Old CRAN 1082 of 2018) and CRAN 7 of 2020 (Old CRAN 637 of 2020) stand disposed of.

(Kausik Chanda, J.)