

Form J(2)

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

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

**CRR 1458 of 2022  
With  
CRAN 1 of 2022**

**Md. Asraful Hoque @ Asraful Hoque and Anr.  
Vs.  
The State of West Bengal & Anr.**

For the petitioner: Mr. Rajdeep Majumder

For the O.P. No.2 : Mr. Pritam Roy

For the State : Mr. Madhusudan Sur, APP  
Mr. Manoranjan Mahata

**Item No.03.**

**Heard & Judgment on: 05.07.2022**

**Bibek Chaudhuri, J.**

The petitioner has filed the instant criminal revision for quashing of charge sheet in connection with Kaliachak Police Station Case No.248 of 2009 dated 22<sup>nd</sup> April, 2009 under

Sections 465/467/468/474/489A/489B/380/34 of the Indian Penal Code. On the basis of which G.R. Case No.1161 of 2009 and Sessions Case No.138 of 2021 arose. Sessions Case No.138 of 2021 is said to be pending before the learned Sessions Judge, Malda.

The allegation of the petitioner is that in the year 2009 he drew up a cheque and had kept it in his house. The accused had stolen the said cheque and encashed the same by forging the signature of the payee

At the outset, on perusal of the F.I.R. and copy of the charge sheet annexed with the instant revision it appears to this Court that there is no material of offence under Sections 489A/489B of the Indian Penal Code against the petitioner. Now, the petitioner has filed the instant application on 28<sup>th</sup> April, 2022 stating, inter alia, that the dispute between the parties has amicably been settled. The learned advocate for the de facto complainant has also echoed the same version made by the learned advocate for the petitioner. Practically, the petition of compromise was filed by both the parties.

Since this Court does not find any material under Sections 489A/489B of the Indian Penal Code and in view of the

compromise this Court finds that continuation of the proceeding will be a fruitless effort on the part of the trial Court, the Court can invoke Section 482 of the Code of Criminal Procedure to quash the above mentioned proceeding.

The learned P.P.-in-charge, on the contrary, submits that before passing the final order, the case diary should be looked into. However, this Court finds that in view of the admitted materials in the record it is not necessary to call for the case diary.

For the reasons stated above, the proceeding arising out of charge sheet No.488 of 2009 dated 31<sup>st</sup> December, 2009 in Kaliachak Police Station Case No.248 of 2009 corresponding to G.R. Case No.1161 of 2009 and Sessions Case No.138 of 2021 be quashed.

The instant revisional application is accordingly disposed of on the basis of the compromise arrived by both the parties.

Parties are at liberty to act on the server copy of the order.

**(Bibek Chaudhuri, J.)**