

13.06.2022

Item No.8
Ct.No.34
dc.

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

**C.R.R. 1627 of 2022
with
CRAN 1 of 2022**

**Biman Saha
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of the proceedings in connection with ACGR No. 5360 of 2019 arising out of Behala Police Station Case No. 344 of 2019 dated 06.11.2019 under Sections 406/420/467/468/471 of the Indian Penal Code pending before learned Additional Chief Judicial Magistrate, Alipore.

Ms. Sanjana Saha ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Swapan Banerjee,
Mr. Sumanta Ganguly ... For the State.

Mr. Subir Ganguly,
Mr. Durga Prasad Dutta,
Mr. Sumanta Ganguly ... For the Opposite Party No.2.

The present revisional application has been preferred challenging the proceedings relating to Behala Police Station Case No. 344 of 2019 dated 06.11.2019 under Sections 406/420/467/468/471 of the Indian Penal Code. It has been informed that charge-sheet has already been submitted.

Mr. Mukherjee, learned Public Prosecutor has submitted a report which encloses the statement of opposite party no.2 viz., Sujit Saha. Let the said report be kept on record.

The report reflects that the opposite party no.2 (Sujit Saha) stated before the concerned Officer that he has decided

to settle the case and does not intend to proceed with the same.

The petitioner and the opposite party no.2 happen to be a relation who have settled their family dispute and the present is a case which arose out of one of such dispute in respect of application for trade licence. Charge-sheet has already been submitted in connection with this case and thereafter, compromise has been entered into between the parties.

I have perused the materials relied upon by the learned Public Prosecutor and I find that the dispute and difference are private and personal in nature, although a public office has been attempted to be utilised by the accused persons.

Having regard to the fact that the parties have entered into a compromise and the chances of conviction are bleak, I am of the opinion that further continuance of proceedings in connection with ACGR No. 5360 of 2019 arising out of Behala Police Station Case No. 344 of 2019 dated 06.11.2019 under Sections 406/420/467/468/471 of the Indian Penal Code and the charge-sheet submitted in connection with the instant case are hereby quashed.

Accordingly, the revisional application being CRR 1627 of 2022 along with CRAN 1 of 2022 is hereby allowed.

All pending connected applications, if any, are consequently disposed of.

Having regard to the conduct of the petitioner in this case and the purposes for registration of the same, I am of the opinion that the petitioner should deposit a cost of

Rs.10,000/- (rupees ten thousand) with the State Legal Aid Services Authority within a period of fifteen days from date.

The learned Registrar General, High Court, Calcutta would submit a report of compliance before this Court on 11.07.2022.

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.)