

Form J(1)

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

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

**CRAN/1/2022
in
CRR 1904 of 2021**

**Bankey Lal Choudhary & Ors.
Vs.
The State of West Bengal & Anr.**

**For the petitioners : Mr. Somopriyo Chowdhury, Adv.,
Mr. Ajay Agarwal, Adv.,
Mr. Sanket Sarangi, Adv.,
Mr. Arka Banerjee, Adv.**

**For the State : Mr. S. G. Mukherji, Ld. P.P.,
Mr. R. D. Nandy, Adv.
Ms. Sonali Das, Adv.**

**For the de facto
Complainant : Mr. Ayan Bhattacharjee, Adv.**

Judgement on : 29.07.2022.

Bibek Chaudhuri, J.

A case. being CGR Case No. 2118/2021 pending before the Learned Chief Judicial Magistrate at Alipore arising out of Bhowanipore Police Station Case No. 147/2021 dated 30th July, 2021 under Sections 406/409/420/467/468/471/120B of the Indian Penal Code is sought to be quashed by both the petitioners and the *de facto* complainant on the ground that a joint compromise has been effected by and between the parties

and the *de facto* complainant does not want to proceed with the case. Both the *de facto* complainant and the petitioners are members of the same family. Dispute arose between them following commercial transaction in respect of family business. This Court while granting bail to the accused persons observed in CRM NO. 5300/2021 that the nature of the dispute between the parties is essentially a civil dispute between the family members of the petitioners and the *de facto* complainant. I have heard the Learned Advocate for the petitioners, private opposite party as well as the Learned Public Prosecutor.

The Learned Public Prosecutor submits that before accepting joint compromise petition, a Police report may be called for. It is also submitted by him that such report is essential in view of the fact that the *de facto* complainant has already submitted a letter to the Officer-in-Charge of Bhowanipore Police Station informing him about the fact of effectuating compromise.

When the dispute arises as a result of family business transaction and the dispute is essentially commercial in nature, the direction in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur & Ors. -Vs.- State of Gujarat & Anr.*** reported in **(2017) 9 SCC 641** delineating in Point No. VII of the general direction issued by the Hon'ble Supreme Court in the above report is squarely applicable in the facts and circumstances of this case. Therefore, this Court is of the view that no further report is required to be obtained from the Officer-in-Charge of the jurisdictional Police Station.

Considering the aforesaid guideline in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur & Ors.***(supra), I am inclined to quash the proceeding in CGR Case No. 2118/2021 accepting the joint compromise petition.

Accordingly, the instant application is **allowed**.

Further proceeding in CGR Case No. 2118/2021 be quashed. The Learned Chief Judicial Magistrate at Alipore is directed to drop the aforesaid proceeding and discharge the accused persons.

The instant revision alongwith the connected application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 05.