

Form J(1)

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

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

IA No: CRAN/1/2022

In

C.R.R. 2567 of 2022

**Anil Kumar Loharuka @Anil Koharuk
Vs.**

The State of West Bengal & Anr.

**For the petitioner : Mr. Krishnendu Bhattacharya, Adv.
Mr. Rajib Mullick, Adv
Ms. Shalini Bairagi, Adv.
Ms. Priyanka Ganguly, Adv.**

**For O.P. No.2 : Mr. Ranadeep Sengupta, Adv.
Ms. Sonia Mukherjee, Adv.**

Heard on : 18.08.2022

Judgment On : 18.08.2022.

Bibek Chaudhuri, J.

On the basis of a written complaint submitted by the opposite party No.2 against the petitioner, police registered a case under Section 387 of the Indian Penal Code against the petitioner. The case is at the stage of investigation. During the pendency of investigation, the parties have amicably settled the dispute and both of them have

filed a joint compromise application for recording settlement of the dispute.

Section 387 is a penal provision for the offence on putting any person in fear of death or of grievous hurt in order to commit extortion. The offence is punishable with imprisonment with other description for a term which may extend to 7 years and fine. The said offence is made non-compoundable under Section 320 of the Code of Criminal Procedure.

It is consistently held by the Apex Court in series of judgment, the last one is ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur & Ors. Vs. State of Gujarat & Anr.*** reported in **(2017) 9 Supreme Court Cases 641** that the High Court has the inherent power to quash a proceeding to prevent abuse of the process of any Court or to secure ends of justice. It is also laid down in the aforesaid report in Paragraph 15(IX) that the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.

It is ascertained from the FIR that the dispute between the parties cropped up in course of commercial and business transaction because indisputably the accused/petitioner is a partner in one of the

construction company of the de-facto complainant /opposite party No.2. It is also ascertained from the FIR that money or valuable security had not been extorted by the petitioner. The allegation as revealed from the FIR is all about giving threat in order to extort money.

In view of such factual circumstances and considering the fact that the dispute has been amicably settled by and between the parties, this Court is inclined to quash the criminal proceeding being CGR No.1185 of 2022 arising out of Chetla Police Station Case No.25 dated 29th April, 2022.

Accordingly, the instant criminal revision is disposed of directing the Investigating Officer to record a statement of the de-facto complainant on the question of settlement within 7 days from the date of the order. Such statement along with a forwarding report made by the Investigating Officer shall be placed before the learned Chief Judicial Magistrate, South 24-Parganas at Alipore within a fortnight. On receipt of such report, the learned Chief Judicial Magistrate, South 24-Parganas shall drop CGR Case No.1185 of 2022 within 3 weeks from the date of communication of the order.

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

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.3..
D/L.***