

02.8.2022
S.D.
36.

C.R.R. 3283 of 2017
With
CRAN 1 of 2017 (Old CRAN 4286 of 2017)
Mr. Nirmal Kumar Khemka & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Apalak Basu

..For the petitioners.

Mr. Sandip Kumar Bhattacharya

Mr. Dipta Dipak Banerjee

..For the O.P. No. 2.

Mr. Arijit Ganguly

Ms. Debjani Sahu

...For the State.

Party/parties is/are represented in the order of their name/names as appearing in the Cause Title.

The matter is listed today for hearing and final disposal.

Learned advocate for the petitioners submits that the petitioners filed this application for quashing of the proceedings in G.R. Case No. 1356 of 2015, arising out of Burrabazar Police Station Case No. 308 dated 19.5.2015 under section 420/406/467/468/471 read with Section 120B of the IPC pending before learned Metropolitan Magistrate, 16th Court, Calcutta.

It is submitted that during pendency of this application, Nirmal Kumar Khemka, figuring as petitioner no. 1 in the application has expired on 20.2.2020. A xerox copy of the death certificate has been filed by learned advocates for the opposite party no. 2. Let the same be taken on record.

The name of the applicant, Nirmal Kumar Khemka be struck off from the petition on his expiry.

It is submitted by learned advocates for both petitioner nos. 2 and 3 and opposite party no.2 that the dispute between the parties in this case have been amicably resolved and the petitioners have filed a joint compromise petition before this Court bearing no. CRAN 1 of 2017 (Old CRAN 4286 of 2017).

Learned advocate for the State has filed a letter appeared to have been issued by one Girish Kumar Khemka who is the representative of Shree Khemka Satiji Charity Trust, opposite party no. 2 wherein it has been stated that they have resolved the disputes and do not want to proceed with the case.

Learned Advocate for the State is directed to hand over the document for incorporation in the record. Same be retained.

Having considered the submissions made by learned advocates for both parties and considering the nature of the offence and also the ratio of the decision in the case of **Gian Singh vs. State of Punjab**, reported in **(2012) 10 SCC 303**, I hold that it would be an abuse of process of Court to proceed any further with the case before the Trial Court.

Accordingly, CRAN 1 of 2017 (Old CRAN 4286 of 2017) and C.R.R. 3283 of 2017 are allowed.

The proceedings in G.R. Case No. 1356 of 2015 arising out of Burrabazar Police Station Case No. 308 under Section 420/406/467/468/471

read with Section 120B of the IPC pending before the learned Metropolitan Magistrate, 16th Court, Calcutta is quashed.

Interim order, if any, stands vacated.

Let a copy of this order be communicated to learned Metropolitan Magistrate, 16th Court, Calcutta for information.

(Ananda Kumar Mukherjee, J.)