

04.07.2022
Item No. 18
Ct. No.40
d.g.

CRR 3556 of 2012

**Kaberi Basu
vs.
The State of West Bengal & Anr.**

**Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed,
Ms. Jayashree Patra,
Ms. Sreeparna Ghosh,
Ms. Ritushree Banerjee.**

... for the petitioner

**Mr. Pratick Bose,
Mr. Surajit Saha.**

... for the State

Learned Counsel for the petitioner submitted that original prosecution relates to Behala Police Station Case No. 224 of 2002 dated 22.06.2022 under Sections 120B, 420, 468, 471 of the Indian Penal Code. A civil suit was also filed at that point of time being Title Suit No. 218 of 2002 in the Court of learned Civil Judge (Junior Division), 2nd Court, Alipore, South 24 Parganas between the parties.

Subsequently, an application was filed on 25.02.2008 by the present Opposite Party No. 2, namely Satyajit Dutta wherein, on oath, he stated that disputes between the parties had been settled and the said suit was accordingly withdrawn and dismissed. Mr. Chatterjee, further submitted that once the disputes between the parties are settled, the present prosecution becomes redundant demanding quashing of a futile prosecution.

Mr. Chatterjee, further invited attention to the fact that Opposite Party No. 2 has already expired on 26th April, 2019.

Mr. Bose, for the State did not controvert to the submissions of Mr. Chatterjee.

Record shows that in terms of report dated 21.11.2019, submitted by the Officer-in-Charge of Behala Police Station, it is brought on record, the death of Opposite Party No. 2 Satyajit Dutta. Since disputes between the parties had been settled earlier, as appears from the materials on record, a futile prosecution need not be kept pending for almost two decades.

In exercise of jurisdiction under Section 482 of the Code of Criminal Procedure, B.G.R. No. 2081 of 2002 related to Behala Police Station Case No. 224 of 2002 dated 22.06.2002 under Section 120B, 420, 468, 471 of the Indian Penal Code is quashed. The accused may be released from the bail bonds

Copy of this order may be sent to the Additional Chief Judicial Magistrate, Alipore, South 24 parganas forthwith by the department.

Accordingly, the instant application stands disposed of.

(Sugato Majumdar, J.)