

10.08.2022
Item 21
Court No. 3
Sk & Ali

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

**CRR 12 of 2019
CRAN 1 of 2022**

**Sitaram Mohata
Vs.
State of West Bengal**

In Re:_ an application under section 401 read with
Section 482 of the Code of Criminal Procedure, 1973.

Mr.Amalesh Roy
Ms. Suman sehanabis
.....for the petitioner.

Mr. Hillol Saha Podder
...for the O.P.No.2.

Mr. Aditishankar Chakraborty, Ld. APP
Mr. Arun Kr. Sarkar
...for the State

The petitioner preferred the present revisional application for quashing of the proceeding in connection with Mathabhanga Police Station Case No. 273 of 2018 dated 10.09.2018 under Sections 420/406 of the Indian Penal Code (corresponding G.R.Case No. 410 of 2018), pending before the learned Additional Chief Judicial Magistrate at Mathabhanga, Coochbehar.

The opposite party no. 2 lodged the complaint against the petitioner alleging, inter alia, disclosing offence under Sections 420/406 of the Indian Penal Code. Upon completion of investigation, the investigating agency submitted charge-sheet against the petitioner under Sections 420/406 of the Indian Penal Code. Being aggrieved by such proceeding the petitioner is before this court.

Mr. Amalesh Roy, learned advocate for the petitioner

placed his reliance on the decision of the Hon'ble Supreme Court passed in *Gian Singh-vs-State of Punjab reported in (2012) 10 SCC 303* and submitted that even, if the offences are non-compoundable, the court has ample jurisdiction to invoke its power under Section 482 of the Cr.P.C. for quashing of the proceeding. He further submits that a joint compromise petition has been filed by the parties.

Mr. Aditi Shankar Chakraborty along with Mr. Arun Kumar Sarkar, learned advocates appear on behalf of the State.

Mr. Hillol Saha Podder, learned advocate appearing on behalf of opposite party No. 2-complainant submits that the matter has been amicably settled between the parties and a joint petition has been filed by them.

From the submissions made on behalf of the parties as well as averments made in the joint petition it appears that during the pendency of the present revisional application, an amicable settlement has been arrived at by and between the parties. As per direction of this court, both the petitioner as well as opposite party no. 2/complainant has appeared in court and stated in clear terms that the dispute relating to the present case has been amicably settled between them. Further both petitioner and opposite party no. 2 has filed the present application being CRAN 1 of 2022 disclosing the facts that the matter is amicably settled out of court.

In view of the above and the law laid down in *Gian*

Singh-vs-State of Punjab(supra), the proceeding before the trial court being G.R. case no. 410 of 2018 (arising out of Mathabhanga Police Station Case No. 273 of 2018 dated 10.09.2018) under Sections 420/406 of the Indian Penal Code stands quashed.

With the aforesaid observation, the instant revision being CRR 12 of 2019 stands disposed of.

Accordingly, CRAN 1 of 2022 also stands disposed of.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the trial court for information.

Urgent Photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)