

12.08.2022
Item 2
Court No. 3
Sk & Ali

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

**CRR 132 of 2022
IA No: CRAN 1 of 2022**

**Om Prakash Mohata & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Deborshi Dhar
.....for the petitioners

Mr. Aditishankar Chakraborty, Ld. APP
...for the State.

Ms. Suman Sehanabis
...for the opposite party no 2.

Mr. Deborshi Dhar, learned advocate for the petitioners submits that the matter has been amicably settled out of court. He further submits that though charge-sheet has been submitted under Sections 464/468 of the Indian Penal Code and other allied provision of the Penal Code yet those offences can be compounded as those are civil in nature and has arisen by and between private parties. He refers to the judgment of Hon'ble Supreme Court passed in Gain Singh Vs. State of Punjab & Anr. (2012)10 SCC 303 as well as Manoj Sharma Vs. State & Ors (2008) 16 SCC 1 and Srinivasan Iyenger & Anr. Vs. Bimala Devi Agarwal & Ors. (2019) 4 SCC 456.

Ms. Suman Sehanabis, learned advocate appears on behalf of opposite party No. 2.

Mr. Aditishankar Chakraborty, Ld. Additional Public Prosecutor appearing on behalf of the State submits that there is no such materials to prima facie suggest offence of making a false document (Section 464 of IPC) or forgery for

the purpose of cheating (Section 468 of the IPC). He further draws the attention of the court that there are also no expert opinion on documents.

It appears that upon completion of investigation, the investigating agency submitted charge-sheet against the petitioners under Sections 406/420/464/468 and 120B of the Indian Penal Code. Be that as it may, as per the statement of the complainant, though there are allegations of misappropriation yet there are no such allegations of making any false document or forgery as has been rightly indicated by the learned Additional Public Prosecutor. The State has also indicated that there are no opinions of expert relating to any questioned documents. Further the opposite party no. 2/complainant as well as the petitioners on the last day (i.e. on 10.8.2022) were present in person before the court and they have stated in clear terms that the matter has been amicably settled by and between them. The parties herein have also filed a joint application of compromise. Mr. Deborshi Dhar has referred to the judgment of Hon'ble Supreme Court in Gain Singh (supra), Manoj Sharma (supra) and Srinivasan Iyenger (supra) on the aspect that non-compoundable offences can also be compounded on certain grounds.

In view of the above and the law laid down in the aforesaid judgment of the Hon'ble Supreme Court cited on behalf of the petitioners, the criminal proceeding being Birpara Police Station Case No. 50 of 2019 (corresponding to G.R.Case

No. 674 of 2019) under Sections 406/420/464/468/120B of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Alipurduar stands quashed.

With the aforesaid observation, the instant revision being CRR 132 of 2022 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.)