

03.02. 2023
item No.14
n.b.
ct. no. 551

CRR 42 of 2018
with
IA No. CRAN 1 of 2018(Old No. CRAN 1519 of 2018)
+
CRAN 2 of 2019(Old No. CRAN 1468 of 2019)
(not found)
Abdul Rajjak Molla
Vs.
State of West Bengal & Anr.

Mr. Mrinal Kanti Mukherjee,
Mr. Gourab Kumar Nath,
.....for the petitioner.

Mr. S. N. Singh,
Mr. Imdadul Hoque,
... for the opposite party no.2.

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose,
.... For the State.

State is represented.

Mr. Imdadul Hoque, learned advocate appears on behalf of
the private opposite party no.2.

Learned advocate on behalf of the petitioner and the
private opposite party no.2 moved the application filed before this
Court vide CRAN No. 1519 of 2018 which is the joint
application/affidavit filed on behalf of the petitioner and opposite
party.

Heard the learned advocates perused the joint application
filed by the parties. The dispute between the parties was settled
outside the Court and in terms of the settlement the present
petitioner has executed a Deed of Conveyance for the land

measuring 9.9 Sataks at mouza Matiagacha in favour of the opposite party no.2. The registration of the Deed of Conveyance has been completed and the private opposite party no.2 has taken possession of the same. It is the submission of the learned advocate for opposite party thus he shall not be further proceed the complaint before the learned Magistrate as his claim has been fulfilled. Learned advocate for the petitioner further submitted before this Court that the further proceeding of the criminal case before the learned Magistrate would be futile of process of this Court. So, he prayed for necessary order for quashing.

Learned advocate appearing on behalf of the State produced the Case Diary. It appears that the investigation of the police ended in charge-sheet citing the present opposite party no.2 be the principle witness of the case who appeared before this Court as the matter has been compromised. So, in my view, further proceeding of the instant criminal case before the learned Magistrate would be abuse of the process of this Court. Thus, the CRAN 1519 of 2018 is hereby allowed.

The instant criminal revisional application is allowed and disposed of with a direction that the proceeding being Rajarhat Police Station Case No. 265 of 2017 dated October 29, 2017 under Section 420 and 467 of the Indian Penal Code corresponding G.R. Case No.3710 of 2017 pending before the learned Chief Judicial Magistrate, North 24 Parganas at Barasat is hereby quashed.

Accordingly, CRR 42 of 2018 is disposed of.

Connected application, if any, is also disposed of.

Interim order of stay passed by this Court is hereby disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)