

June 12, 2023
AD -35
Ct. 34
SG

CRR 492 of 2022
with
CRAN 4 of 2022
CRAN 5 of 2023

M/s Aadarsh Tradlink Ltd. and others
-versus-
The State of West Bengal and another

Mr. P.P. Dasgupta
Mr. Ashish Chowdhury
Mr. Nishant Shukla
Ms. Uma Bagree

... for the petitioners

Mr. Ranabir Roychowdhury
Mr. Mainak Gupta

... for the State

Mr. Mrityunjoy Chatterjee
Mr. V.N. Jha

... for the OP No.2

The present revisional application was preferred challenging the continuance of the proceedings being Case No.CS 76418 of 2021 under Sections 406/418/504/506/34/120B IPC pending before the learned Metropolitan Magistrate, 19th Court, Calcutta.

The issues which were canvassed by the petitioners who were accused persons in the revisional application were regarding commercial and continuous transactions having taken place between the parties. On the other hand, the complainant's allegation in the petition of complaint related to certain outstanding which was not paid.

The said application being CRAN 5 of 2023 and a photostat copy of the document have been enclosed

wherein it has been signed by the signatories on behalf of both the parties and the said document has been described as composite memorandum of settlement.

Paragraph 2 relating to the “chapter 4 – resolution of departments” relates to the instalments which have been paid by the accused persons to the complainant aggregating to a sum of Rs.25,00,000/- which has been admitted by the complainant.

Having regard to the nature of the case which has been filed and the parties arrived at a settlement and no public policy is involved, further continuance of the proceedings is unwarranted because settlement has been arrived at between the parties.

Accordingly, all further proceedings relating to case No.76418 of 2021 are pending before the learned Metropolitan Magistrate, 19th Court, Calcutta including the orders passed therein are hereby quashed.

Thus, CRR 492 of 2022 along with CRAN 5 of 2023 is allowed.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)

