

25.01.2023

Item No.6
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 655 of 2021

**Harsh Vardhan Agarwal & Anr.
versus
The State of West Bengal & Ors.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. R. Lakhmani,
Mr. Nikunj Berlia ... For the Petitioners.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Ms. Sayanti Santra ... For the Opposite Party No.2.

Learned advocates for the petitioners and the private opposite party no.2 are present.

On behalf of the complainant/opposite party no.2, it has been acknowledged before this Court that the amount which was committed as per the terms of settlement has been received by the complainant/opposite party no.2. However, the complainant is aggrieved regarding the delay in payment.

In view of the terms of settlement being effected, the subject-matter relating to the amount of the cheques which is in dispute has been reimbursed. An affidavit has been filed by the learned advocate appearing for the petitioners which discloses that the deficit amount of Rs.13,558/- has been transmitted to the complainant. The foundation of such payment being the terms of settlement and that being honoured, I am of the opinion that further continuance of the proceedings arising out of Complaint Case No. C/0053959/2016 under Section 138 read with Section 141 of

the Negotiable Instruments Act pending before the learned Metropolitan Magistrate, 14th Court, Calcutta is unwarranted. As such, the said proceedings are quashed.

Accordingly, the revisional application being CRR 655 of 2021 is allowed.

Affidavit so filed be kept on record.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)