

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 1629 of 2023
With
CRAN 1 of 2023**

**Rana Sarkar
Vs.
The State of West Bengal and Anr.**

Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Syed Wasim Faruque
..for the petitioner

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
..for the O.P. No.2

Mr. Sandip Chakraborty
..for the State

Item No. 11

Heard & Judgment on: 12.05.2023

Bibek Chaudhuri, J.

CGR Case No. 3480 of 2015 arose out of a dispute between promoter and purchaser of an apartment constructed by the

promoter. It is the dispute that the purchaser paid consideration price to the promoter but he was not handing over the possession of the respective flats on execution of a registered deed of sale. Therefore, the proceeding under Sections 420/406 of the Indian Penal Code was registered. The case is presently pending before the learned Judicial Magistrate, 3rd Court at Alipore. It is submitted by both the petitioner and the opposite party that during pendency of the instant revision the dispute between the parties has been amicably settled and the promoter has delivered possession of the flats and registered deed has been executed. Therefore, at this stage, the de facto complainant has no grievance against the petitioner. Accordingly, further proceeding of CGR Case No. 3480 of 2015 may be quashed.

Mr. Lahiri, learned advocate is requested to serve a copy of the application for compromise to Mr. Sandip Chakraborty, learned P.P.-in-charge

I have heard the learned advocates for the petitioner and the learned P.P.-in-charge. When the opposite party /de facto complainant states that he has already received the possession of the flat and a deed of sale has been executed, I do not think it necessary to call for a police report in the instant matter. Mr. Sandip Chakraborty, learned P.P.-in-charge also submits that when the de

facto complainant has no objection and he has already received the flat in question, criminal proceeding may be quashed.

In view of such circumstances, CGR Case No. 3480 of 2015 pending before the learned Judicial Magistrate, 3rd Court at Alipore be quashed. The instant revision is allowed on the basis of compromise petition.

The learned Judicial Magistrate, 3rd Court at Alipore is directed to pass an order dropping further proceeding in CGR Case No. 3480 of 2015 and discharging the accused on the basis of the order passed by this Court.

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)