

16.05.2023

Item No.62
Ct.No.34
dc.

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

**C.R.R. 1663 of 2021
with
CRAN 1 of 2023**

**Smt. Monika Liu
versus
The State of West Bengal and another**

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

Mr. Aniket Mitra,
Mr. Parashar Baidya ... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta ... For the State.

Mr. Partha Sarathi Das,
Ms. Shanta Sarkar ... For the Opposite Party No.2.

Report dated 10.05.2023 submitted by Mr. Roy Chowdhury, learned advocate appearing for the State be kept on record.

The petitioner being the accused has filed the present revisional application for quashing of the proceedings being G.R. Case No. 3939 of 2019 arising out of Airport Police Station Case No. 81 of 2019 dated 01.06.2019 enclosing memorandum of understanding and a money receipt. Subsequently a joint compromise application has been filed pursuant to which the State was directed to submit a report recording the statement of the *de facto* complainant/opposite party no.2 at whose instance the case was initiated.

Mr. Roy Chowdhury, learned advocate for the State points out that the statement was recorded by an officer of Airport Police Station, Bidhannagar Police Commissionerate wherein Gautam Kar, the *de facto* complainant/opposite

party no.2 stated that he intended to withdraw the case against the present petitioner viz. Monika Liu. However, the same *de facto* complainant in the same breathe stated that he intends to continue the case against Cholamandalam Company, Sudipto Mukherjee, Habib Molla and Pradip Kumar Bose.

There cannot be a part compromise in a criminal proceeding. The *de facto* complainant/opposite party no.2 has already received a sum of money. The criminal court cannot be utilised for recovery of money. The complainant has already expressed his intention of withdrawing the case. It is presently the discretion of the Court whether to allow the proceedings to continue or not. In view of the report so submitted, I am of the opinion that further continuance of the proceedings relating to Airport Police Station Case No. 81 of 2019 dated 01.06.2019 corresponding to G.R. Case No. 3939 of 2019 would result in miscarriage of justice, if allowed to continue.

Accordingly, all further proceedings relating to Airport Police Station Case No. 81 of 2019 dated 01.06.2019 (corresponding to G.R. Case No. 3939 of 2019) including the charge-sheet filed therein are hereby quashed.

The revisional application being CRR 1663 of 2021 along with CRAN 1 of 2023 is, thus, allowed.

Other pending connected 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.

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

(Tirthankar Ghosh, J.)