

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 2561 of 2018
with
IA No. CRAN 1 of 2023

Harinder Singh
Vs.
The State of West Bengal & Anr.

Mr. Piyush Kumar
... For the petitioner/applicant no.1

Mr. Bidyut Kumar Roy
Mr. Pratick Bose
... For the State

Mr. Sanjay Banerjee
Mr. Joydeep Bhattacharjee
... For the opposite party no.2/applicant no.2

This revisional application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 was filed assailing the order dated 31st July, 2018 passed by the learned Metropolitan Magistrate, 8th Court at Calcutta in connection with GR Case No.654 of 1999 corresponding to Jorasanko Police Station Case No.124 dated 21st April, 1999 under Section 409 of the Indian Penal Code, 1860.

Initially a proceeding was put into motion under Section 156(3) of the Code of Criminal Procedure, 1973 alleging commission of offence punishable under Sections 407/120B of the Indian Penal Code by the petitioner before the learned Additional Chief Metropolitan Magistrate, Calcutta which was allowed. Jorasanko

Police Station registered the case, being Case No.124 dated 21st April, 1999 under Sections 120B/407 of the Indian Penal Code and after investigation, charge sheet was submitted under Section 409 of the Indian Penal Code. Thereafter cognizance was taken by the learned Additional Chief Metropolitan Magistrate and the case was transferred to the Court of the learned Metropolitan Magistrate, 8th Court at Calcutta. Thereafter, one application was filed raising issue of jurisdiction of the Court. After hearing both sides, learned Metropolitan Magistrate, 8th Court at Calcutta passed the impugned order directing transfer of the case to the appropriate police station at Bhatinda, Punjab.

In the meantime, both the parties to the proceeding entered into a compromise over the issue of misappropriation of consigned goods by the consignee, i.e., respondent no.2 and filed an application for effectuating the joint compromise regarding the incident alleged to have been occurred in the year 1999 regarding misappropriation of consigned goods.

Heard both the learned advocates for the parties.

Learned advocate on behalf of the State did not raise any objection with regard to the prayer for passing necessary order after compromise between the parties.

In the facts and circumstances, it is profitable to refer to the observation of the Hon'ble Apex Court in **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur v. State of Gujarat** reported in **(2017) 9 SCC 641** wherein the Hon'ble Apex Court suggested to

invoke the jurisdiction to quash criminal proceeding on the ground that settlement has been arrived at between the offender and the victim in a commercial, financial, mercantile, partnership or similar transaction.

In the aforesaid view of the matter, I am of the opinion that further continuation with the proceeding would result in an abuse of process of Court.

Thus, the proceeding in connection with GR Case No.654 of 1999 corresponding to Jorasanko Police Station Case No.124 dated 21st April, 1999 under Section 409 of the Indian Penal Code, 1860, now pending before the learned Metropolitan Magistrate, 8th Court, Calcutta, since 1999, stands quashed.

With the above, CRR 2561 of 2018 and the connected application, being CRAN 1 of 2023, stand disposed of.

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

Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)