

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Present: - Hon'ble Mr. Justice Subhendu Samanta.

C.R.R. No. - 3402 of 2018

with

CRAN 1 of 2020

with

(Old CRAN 169 of 2020)

IN THE MATTER OF

Anil Venugopal Menon.

Vs.

The State of West Bengal & Anr.

**For the Petitioner : Mr. Sourav Chatterjee, Adv.,
Ms. Koel Mukherjee, Adv.,
Mr. Abhirup Chakraborty, Adv.,
Mr. Anurag Sarder, Adv.,
Mr. Sayan Mukherjee, Adv.**

**For the opposite party : Mr. Dipanjan Dutt, Adv.
Mr. Rahul Auddy, Adv.,
Mr. Surojit Saha, Adv.,
Mr. Aditya Goopda, Adv.**

**For the State : Mr. Ranabir Roy Chowdhury, Adv.,
Mr. Mainak Gupta, Adv.**

Judgment on : 19.04.2023

Subhendu Samanta, J.

The instant criminal revision has been filed for quashing by the proceeding of GR Case No. 1892 of 2015 pending before the Court of Learned Chief Metropolitan Magistrate Calcutta, arising out of Cyber Police Station Case No. 55 of 2015 dated 17th August 2015 u/s 354A (i) (ii)/ 354D (1) (i)/465/467/469/471/506/509 of IPC and Section 76/76A of Information Technology Act 2000.

Learned Advocate for the petitioner submits that the criminal proceeding being GR Case No. 1892 of 2015 is arising out of a private dispute between the petitioner and private opposite party no. 2. On the basis of the written complaint of the private opposite party No. 2 the police case was initiated. At the same time on the basis of written complaint of the present petitioner, another police case was registered at Karnataka. During the pendency of the criminal cases arising out of the complaints of the parties a settlement was arrived at between the parties on the basis of which a memorandum of settlement was executed jointly by both the parties. On the basis of the joint compromise petition Hon'ble High Court of Karnataka at Bangaluru quashed the criminal proceeding initiated on the basis of the complaint of the present petitioner. The order of

Hon'ble High Court at Karnataka was placed by a supplementary affidavit.

CRAN 169 of 2020 was filed for appropriate order with an affidavit shown by the present petitioner and private opposite party no. 2.

It appears that the investigation of the police is ended in charge sheet and the proceeding is pending before the Learned Jurisdictional Magistrate.

Considering the entire circumstances it appears to me though the charge sheet has been submitted after the investigation of the police but as the de facto complainant and the present petitioner compromised the matter outside the court. So, the sole purpose of the Criminal Proceeding arising out of Cyber Police Station Case No. 55 of 2015 corresponding to GR Case No. 1892 of 2015 became ineffective. The Criminal Proceeding if allowed to be continued that would tantamount to be an abuse of process of court.

Thus the instant criminal revision is disposed of on compromise.

The criminal proceeding pending before the Learned Chief Metropolitan Magistrate Calcutta in connection with

Cyber Police Station Case No. 55 of 2015 corresponding to GR Case No. 1892 of 2015 is hereby quashed.

Connected CRAN applications if pending are also disposed of.

Any order of stay passed by this court during the continuation of the instant criminal revision is also vacated.

Parties to act upon the server copy and urgent certified copy of the judgment be received from the concerned Dept. on usual terms and conditions.

(Subhendu Samanta, J.)