

22.02.2023

BMJR
Item no. 16
Ct. No.236

CRR 4247 of 2012

**Dilip Kumar Gupta
Vs.
The State of West Bengal & Anr.**

Mr. N.P. Agarwal,
Mr. Protick Bose For the State.

None is appearing for the petitioner.

This revisional application is pending for more than ten years. Therefore, I propose to dispose of the same on merit based on materials made available with the records.

Briefly stated the petitioner along with his two brothers purchased a piece of land on 10th June, 2002 and on 15th May, 2012 they decided to sell out the property. Accordingly, an agreement was entered into by and between the petitioner and the opposite party no.2 along with his two brothers. The opposite party no.2 paid a sum of Rs.4,00,000/- as part of consideration money to the petitioner. After searching the opposite party no.2 was of the view that the title of the petitioner over the property in question was defective. Thereafter, he informed the Officer-in-Charge of Bhakti Nagar Police Station and Bhakti Nagar Police Station Case No.1051 of 2012 dated 24.08.2012 was registered under Section 420 of the Indian Penal Code. In the meantime, the opposite party no.2 issued a notice asking the petitioner to complete the sale transaction upon receipt of entire consideration money within 15 days from the date of receipt of the notice. Subsequently, the entire dispute has been

settled between the parties. The petitioner paid the money back to the opposite party no.2.

From the attending facts of the case, I find that the germane of the dispute is the agreement for sale of a piece of land which is basically civil dispute in nature and it has been painted with colours of criminality. That apart, taking into consideration the averments made in the petition under consideration about the settlement, I am of the view that this is a fit case to invoke Section 482 of the Code of Criminal Procedure, 1973 to quash the proceeding being G.R. Case No. 4033 of 2012 corresponding to Bhakti Nagar Police Station Case No.1051 of 2012 dated 24.08.2012 which I accordingly do.

This criminal revisional application is thus disposed of without any order as to costs.

(Siddhartha Roy Chowdhury, J.)