

1.5.2023
3
Ct. no. 3
sb

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

**CRR 15 of 2020
with
CRAN 1 of 2020**

In the matter of : Sanjib Sinha
...petitioner

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty ...for the State

This is an application under Section 482 of the Code of Criminal Procedure praying for quashing the First Information Report being Kalchini Police Station case no. 98 of 2017 dated 3.7.2017 corresponding to G.R. case no. 1287 of 2017 under Sections 406/420 of the Indian Penal Code, presently pending before the learned Additional Chief Judicial Magistrate, Alipurduar.

The petitioner contended in the application that Uday Sankar Chatterjee, opposite party no. 2 lodged a written complaint to the Inspector-in-charge, Kalchini Police Station, alleging that opposite party no. 2 kept a sum Rs. 2,00,000/- vide certificate allotment no. AIRL/RX00024112 dated 18.4.2012 and Rs. 1,00,000/- vide certificate allotment no. AIRL/RX00038913 dated 2.3.2013 expecting to get an interest of Rs. 1,000/- per lakh per month for 36 months. The opposite party no. 2 got the interest only for 33 months and rest 3

months interests remain unpaid. The first certificate of Rs. 2,00,000/- got matured on 18.4.2015 and second certificate of Rs. 1,00,000/- was matured on 2.3.2016 but the opposite party no. 2 has not paid back the principal amount i.e. Rs. 3,00,000/- and three months interests as above. On the basis of the said complain, Kalchini Police Station case no. 98 of 2017 was started.

It is now submitted by filing affidavit that the parties have amicably settled their disputes out of court and the petitioner as well as the opposite party no. 2 have filed an application to that extent being CRAN 1 of 2020.

Learned counsel for the State submits that in view of the amicable settlement, he has no objection if the prayer for quashing of the said proceeding is allowed.

Having considered the facts and circumstances of the case and that the parties have amicably settled their disputes out of court which is basically a dispute of civil nature and that the offence is also compoundable in nature and also considering the fate of investigation and trial, in view of the amicable settlement arrived at between the parties and that chance of conviction is bleak in view of mutual settlement, I find that this is a fit case where the prayer made by the petitioner is allowed as continuance of further proceeding will be mere abuse of process of court.

In view of above, CRR 15 of 2020 along with CRAN 1 of 2020 are allowed.

The aforesaid proceeding being Kalchini Police Station case no. 98 of 2017 dated 3.7.2017 corresponding to G.R. case no. 1287 of 2017 under Sections 406/420 of the Indian Penal Code, presently pending before the learned Additional Chief Judicial Magistrate, Alipurduar is hereby quashed.

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

(Ajoy Kumar Mukherjee, J.)