

01.5.2023  
Sl.12  
Ct. No.3  
SD

***CALCUTTA HIGH COURT  
In the Circuit Bench at Jalpaiguri***

CRR 33 of 2021  
With  
CRAN 1 of 2022

**In re: Subrata Kumar Dey & Ors.**

**... petitioners.**

Mr. Hillol Saha Poddar

... for the petitioners.

Mr. Aditi Shankar Chakraborty

Mr. Abhijit Sarkar

... for the State.

This is an application under Section 482 of the Code of Criminal Procedure with a prayer for quashing of proceeding being G.R. Case No.207 of 2020 pending before the learned Additional Chief Judicial Magistrate at Alipurduar, corresponding to Alipurduar Police Station Case No.41 of 2020 dated 28.01.2020 under Sections 323/420/34 of the Indian Penal Code.

The petitioners contended that the petitioners have been implicated as accused persons on the basis of a written complaint which was initially filed before the learned Magistrate under Section 156(3) of the Code of Criminal Procedure on 27.01.2020 alleging that the complainant got a work order for which it is required to obtain the work schedule to complete the work and in this regard the complainant asked the accused persons through letter on 13.12.2019.

On 16.12.2019 the accused no.2 informed the complainant to collect the details and on 18.12.2019 when the complainant reached the office to give reply of the letter, the accused persons refused to accept the reply of the complainant. The defacto complainant asked as to why the reply of the complainant was not accepted, then the accused persons became furious and abused with filthy

languages. They become more furious afterwards and tried to injure him by squeezing his throat and threatened him with dire consequences. Facing such inhuman kind of behavior, the said complaint was filed and on the basis of direction passed by the learned Magistrate, Alipurduar Police Station Case No.41 of 2020 dated 07.01.2020 was started. Investigating authority submitted the charge sheet on 03.01.2020.

Now in the application being CRAN 1 of 2022 it is submitted by filing affidavit that, with the interference of the well-wishers as well as relatives of the parties, the dispute has been amicably resolved and the defacto complainant, Uday Sankar Neogi does not want to proceed further against the present accused persons.

It is further stated in the said application that in view of the amicable settlement, both the parties are unwilling to continue with the further proceeding and as such, the continuance of further proceedings in view of aforesaid amicable settlement will be complete abuse of process of the law and it may cause miscarriage of justice.

Mr. Abhijit Sarkar, learned counsel appearing on behalf of the State, submits that in view of amicable settlement, he has no objection if the prayer for quashing as sought for is allowed.

Having considered the facts and circumstances of the case and considering fate of the trial in view of amicable settlement arrived at by and between the parties, I find that the continuance of the present proceeding will be a mere abuse of process of court, since the chance of conviction is bleak in view of mutual compromise.

In view of above, CRR 33 of 2021 along with CRAN 1 of 2022 is allowed.

The proceeding being G.R. Case No.207 of 2020 pending before the learned Additional Chief Judicial Magistrate at Alipurduar, corresponding to Alipurduar Police Station Case No.41 of 2020 dated 28.01.2020 under Sections

323/420/34 of the Indian Penal Code 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.)**