

11.01.2023
SL No. 1
Court No.3
SB

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 122 of 2021

In the matter of : Trinanjan Maity

Mr. Sayan De
Ms. Esha Acharya ... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Nilay Chakraborty ... for the State

Mr. Soumyapriya Chowdhury
Mr. Ayush Jain
Mr. Deborshi Dhar ... for the O.P. No. 2

This petition is the expression of displeasure of the petitioner over the action taken by the private opposite party no. 2 who set the criminal administration of justice into motion by informing police about the unethical and illegal use of encryption of data by the petitioner. Police accordingly registered Bagdogra P.S. Case No. 94 of 2017 dated 19.4.2017 and took up investigation which culminated into submission of charge sheet against the petitioner. However, during pendency of the proceeding the complainant / opposite party no. 2 has blown life to the business of the petitioner as it appears from paragraph 10 of the petition.

According to Mr. De, learned counsel appearing on behalf of the petitioner since the petitioner has already made good the loss suffered by the complainant by taking required step the continuance of the proceeding before the learned Trial Court would be an abuse of the process of law.

Refuting such contention, learned counsel appearing on behalf of the opposite party no. 2 submits that since offence has already been commenced the petitioner cannot escape the clutches of law.

Mr. Chakraborty, learned counsel appearing on behalf of the State also opposing the prayer of the petitioner.

However, taking into consideration the facts subsequent to filing of the case, which indicates absence of any criminal intention of a party to commercial transaction, I am of the view that it would be an act of abuse of process of law if the proceeding before the learned Trial Court is allowed to remain in force, particularly, in view of the submission that has been made by Mr. De, learned counsel representing the petitioner regarding settlement.

With the aforesaid observation, I invoke the provision of Section 482 of the Cr. P.C. and quash the proceeding being G.R. Case No. 1161 of 2017 arising out of Bagdogra P.S. Case No. 94 of 2017 dated 19.4.2017

The revisional application, is thus, disposed of.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)