

2
akb

09.09
2024
Ct. No. 237

C.R.R. 241 of 2022
Bijay Kumar Jhunhunwala
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Banerjee
Mr. Ayan Bhattacharjee
Mr. Deepak Kumar Jain

...For the Petitioner

Mr. Madhusudan Sur
Mr. Dipankar Paramanick

...For the State

Mr. Aasish Choudhury
Ms. Meera Agarwal

...For the Opposite Party No. 2

Present application has been preferred with a prayer for quashing of the proceeding, being G.R. Case No. 918 of 2021 arising out of Girish Park Police Station Case No. 141 dated 3rd September, 2021 under Sections 406/420/468/469/120B of the Indian Penal Code.

The de facto complainant i.e. opposite party No. 2 herein by filing a complain contended that the accused persons entered into a criminal conspiracy and in consequence to such conspiracy the accused person Nos. 2 and 3 being co-sharers of the property in question induced the complainant to purchase the same at a total consideration price of Rs.7,37,00,771/-. The complainant paid a sum of Rs. 6 crores to Kotak Mahindra Bank to release the mortgage of the said property and Rs.1,30,00,000/- to the accused, Bijay Kumar Jhunhunwala and mutated the said property in the name of the complainant but subsequently the accused persons filed a suit before this High Court for cancellation of the deed thereby causing wrongful loss to the opposite party and wrongful gain to the accused persons.

During pendency of the present application and also during investigation, the parties have entered into an amicable settlement to that extent and they have filed a joint application of compromise, being IA No. CRAN 2 of 2024.

Learned Counsel appearing on behalf of the petitioner as well as the learned Counsel appearing on behalf of the opposite party No. 2 submit that they have amicably settled their dispute out of Court and as such they do not want to proceed further and in the above backdrop continuance of the aforesaid criminal proceeding before the Court below will be an abuse of process of Court.

Learned Counsel appearing on behalf of the State submits, when the parties have amicably settled their dispute, he leaves it to the discretion of the Court.

Having considered the submissions made on behalf of the parties and that the present proceeding is an offence of private in nature and has been settled between the parties and taking note of such special feature appearing in this case I do not find it expedient and in the interest of justice to permit the prosecution to continue, as no useful purpose is likely to be served by allowing the criminal proceeding to continue.

In such view of the matter, the criminal proceeding, being G.R. Case No. 918 of 2021 arising out of Girish Park Police Station Case No. 141 dated 3rd September, 2021 under Sections

406/420/468/469/471/120B of the Indian Penal Code, presently pending before the Additional Chief Judicial Magistrate, Calcutta is hereby quashed.

In view of disposal of main application, being C.R.R. 241 of 2022, the connected applications, also accordingly disposed of.

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

(Ajoy Kumar Mukherjee, J.)