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C.R.R.395 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Nilu Mukhopadhyay @ Nilu Mukherjee
Versus
Axis Bank Ltd.

Ms. Sudipa Sen Gupta.
...for the petitioner.

Petitioner submits that the petitioner was called upon to face the trial of the Complaint Case No.7487 of 2021. According to the petitioner, he had an educational loan and because of Covid pandemic, he became a defaulter and the security cheque was presented for encashment, which was dishonoured. According to the learned advocate subsequently a conciliation camp was held wherein the petitioner paid the amount which was decided by way of settlement and to that effect the agreement was signed between the parties and it has been categorically written over there that in case any litigation is pending, the same should be discontinued.

However, in spite of the same, Complaint Case no.7487 of 2021 is pending and is continuing before the learned Metropolitan Magistrate, 15th Court, Calcutta. A court cannot compel a party to a litigation to compound the offence. If there are materials in his possession to show that in respect of the selfsame legally enforceable debt there has been conciliation/compromise between the parties and there are documents in support of the same, it would be for the accused/petitioner to produce it before the

learned trial court at the appropriate stage. The issue being a question of fact cannot be decided summarily, neither the genuinity of the documents can be accepted as true or false. Accordingly, the petitioner is granted liberty to take up the issue at the appropriate stage.

With the aforesaid observations, CRR 395 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)