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3 Ct. No. 237
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C.R.R. 1932 of 2014
With
IA No. C.R.A.N. 6 of 2024
Mukesh Agarwal
Vs.
State of West Bengal & Anr.
With
C.R.R. 1933 of 2014
With
IA No. C.R.A.N. 6 of 2024
Sunil Kumar Sen
Vs.
State of West Bengal & Anr.
With
C.R.R. 1934 of 2014
With
IA No. C.R.A.N. 6 of 2024
Satyen Sanghvi
Vs.
State of West Bengal & Anr.

Mr. Sourav Chatterjee
Mr. Arnab Das
Mr. Soumya Nag
Ms. Akansha Yadav
Ms. Syeda Romana Sultana *...For the Petitioners in all the matters*

Mr. Avishek Sinha *...For the State*

Mr. K. Raihan Ahmed *...For the Opposite Party No. 2*

Opposite party No. 2/de facto complainant initiated the proceeding, being G.R. 3995 of 2013 under Section 341/506/509/427/34 of the Indian Penal Code, presently pending before the learned Judicial Magistrate, 9th Court, Calcutta, which the petitioners herein in each case have prayed for quashing.

On or about 3rd November, 2013, the opposite party No. 2 lodged written complaint with the local Police Station against an alleged wrong action implicating the present accused persons and their associates including the concerned Officials of the Kolkata Municipal

Corporation. The opposite party alleged in the FIR that on or about 1 p.m. on 2nd November, 2013 the accused persons came to her office and started threatening with dire consequences and did not allow complainant to leave the said premises. They also used abusive and filthy language. They asked the opposite party No. 2 to restrain her sons from pursuing the matter to the concerned authorities and not to take any step against Mr. Satyen Sanghvi and others. It was further alleged in the complaint that Mr. Mukesh Agarwal and other accused created undue pressure on the opposite party No. 2 to quit and vacate the tenanted premises and they also threatened to demolish the tenanted portion of the opposite party No. 2 and to evict complainant forcefully. After completion of investigation Police has submitted charge sheet against the accused persons.

During pendency of the present proceedings, the parties have amicably settled their disputes and the de facto complainant decided not to proceed further with the instant criminal proceeding and to that effect de facto complainant filed compromise application signed by both the parties being IA No. CRAN 6 of 2024.

It is further submitted that offences alleged are all compoundable offence and accordingly the de facto complainant and petitioners in all the matters have prayed for quashing the entire proceeding.

Learned Counsel appearing on behalf of the state submits that

the parties have amicably settled their dispute out of the Court, therefore the State does not want to stand in their way of amicable settlement.

It appears that present dispute essentially involves civil flavor and has arisen primarily over landlord-tenant dispute. It is settled law that criminal cases having overwhelmingly and predominatingly civil flavor, where the wrong is basically private or personal in nature and parties have resolved their entire dispute, High Court may quash criminal proceeding. In this context reliance has been placed upon the ratio laid down in ***Gian Singh Vs. State of Punjab and Anr.***, reported in **(2012) 10 SCC 303** and ***Parbatbhai Aahir & Ors. Vs. State of Gujarat and Anr.***, reported in **(2017) 9 SCC 641**.

Accordingly, considering the submissions made on behalf of the parties and also considering the fact that the parties have amicably settled their disputes and the complainant has decided not to support the prosecution case, I find that further continuance of the present proceeding will be sheer abuse of process of Court as the chance of conviction in the present proceeding is bleak.

In such view of the matter, all the main applications and all connected applications are allowed.

The impugned proceeding being G.R. Case No. 3995 of 2013 pending before the learned Judicial Magistrate, 9th Court, Calcutta is hereby quashed.

Urgent Photostat certified copy of this order, if applied for, be

given to the parties, on priority basis, upon compliance of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)