

CRR 4515 of 2022

**Subir Dutta & Ors.
Vs.
Samraj Pharmaceuticals Private Limited**

Mr. Kaushik Chatterjee
Ms. Sofia Nesar ...for the Petitioners

Mr. Akash Dutta ...for the opposite party

This is an application wherein the petitioners have prayed for quashing and /or setting aside the order dated 4th November, 2022 passed in Complaint case no. AC 1708 of 2021, which has been initiated for committing offence under the Negotiable Instrument Act, 1881.

From the order impugned, it appears that the petitioners/accused persons submitted before the court below that they are very much interested in amicable settlement of the matter by making payment of Rs. 50,000/- which is the amount of the dishonoured cheque. The complainant /opposite party herein before the court below raised objection and contended that none of the accused persons had surrendered before the court below nor has obtained bail till this date. It was further submitted before the court below that the complainant is not willing to enter any settlement with the accused persons. It was further submitted before the court below that the only object of the petitioners are to cause delay in the proceeding and to harass the complainant.

Learned court below after perusing the case record, found that the accused persons have not yet surrendered nor had prayed for any application under Section 205 of the Code of Criminal Procedure. Accordingly, the court below issued warrant of arrest against the accused persons.

During pendency of the proceeding before this court, learned counsel for the opposite party No.2/ complainant submits that they have received an amount of Rs. 50,000/- from the petitioners/accused persons and he further submits on instruction that complaint has no objection, if the impugned order dated 4th November, 2022 in respect of issuance of warrant of arrest passed by the court below, is set aside.

Upon considering the consent given by learned counsel for the opposite party and that there is no intentional latches on the part of petitioners for non-appearance before the court below, the order impugned is liable to be quashed.

In such view of the matter, CRR 4515 of 2022 is hereby disposed of by setting aside the order dated 4th November, 2022 by which warrant of arrest was issued against the petitioners herein. Petitioners are directed to appear before the court below by 30th November, 2024. On such appearance by the petitioners before the court below, the court below will deal with the matter in accordance with law in terms of their prayer, if any. If the petitioners do not appear before the court below within that period, the impugned order regarding issuance of warrant of arrest against the petitioners dated 4th November, 2022 will revive.

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.)