

23.09.2024.
02.
Ct. No.237
Bd.

CRR 4580 of 2022
with
IA No. CRAN 1 of 2023

Smt. Alka Agarwal
-vs-
The State of West Bengal & Anr.

Mr. Raushan Kumar Ray
Ms. Dhanasree Biswasfor the petitioner.

Mr. Arnab Chatterjee
Ms. Shanina Haque ... for the opposite party No.2

Mr. Asif Dewan ... for the State

Re: CRAN 1 of 2023

Report submitted by the Officer-in-Charge Park Street Police Station dated 22nd September, 2024 is taken on record.

This is an application wherein petitioner has prayed for quashing of a charge-sheet being Park Street Police Station Charge Sheet No. 20 of 2008 dated 30th January, 2008 in connection with G.R.Case No. 434 of 2007 presently pending before learned Metropolitan Magistrate 9th Court, Calcutta. In the said criminal proceeding charge-sheet has been submitted against the petitioner under sections 389/409/420 of the Indian Penal Code.

The dispute between the FIR maker, since deceased and petitioner/accused person arose out of alleged financial misappropriation in respect of Rs. 29.24 lacs.

It is submitted that during the course of the trial of the instant case, the dispute existing between the parties have been amicably settled and the person aggrieved/Applicant No.2 has expressed his desire not to pursue the criminal proceeding in terms of resolution dated 05.04.2022 taken by Board where Applicant No. 2 is also a director.

In terms of amicable settled both accused petitioner and the aggrieved person filed joint petition of compromise on oath being CRAN 1 of 2023.

Learned counsel appearing on behalf of the State placing the report dated 22.09.2024 submits that the report discloses that Investigating Officer has confirmed that the parties have entered into a joint compromise with each other in connection with the present case and son of FIR maker Mr.Bharat Poddar submitted a letter to the concerned police station to that effect.

Upon hearing learned counsel appearing for the parties and on perusal of materials available in the record it appears that the present dispute having predominating civil flavour arising from commercial transaction, is basically private and personal in nature and the parties have resolved their entire dispute. Accordingly, continuance of further proceeding would be contrary to the interest of justice and will

tantamount to abuse of process of law. In view of compromise and settlement between the aggrieved person and the alleged wrong doer and in order to secure the ends of justice, it is appropriate that the impugned proceeding should be put to an end.

Considering the aforesaid special circumstances of the case, I find that the continuance with the present proceeding any further will be a mere abuse of the process of the Court.

Finding above, CRR 4580 of 2022 along with connected application being CRAN 01 of 2023 are allowed.

The impugned proceeding being G.R.Case No. 434 of 2007 arising out of Park Street Police Station Case No. 56 of 2007 dated 1st March, 2007, presently pending before learned Metropolitan Magistrate, 9th Court, Calcutta, is hereby quashed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of usual formalities.

(Ajoy Kumar Mukherjee, J.)