

19.04.2024
62
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CRR 3786 of 2012

In the matter of : Md. Abdul Malek @ Maleque @ Ujjal.
.... petitioner.

None appears for the parties.

The instant criminal revisional application is pending since 2012 and as such, is required to be disposed of.

The instant revisional application has been filed for quashing of the proceeding being Rampurhat Police Station Case No. 61 of 2009 dated 23.04.2009 under Section 417/420/406/409 of the Indian Penal Code and subsequent charge sheet submitted in connection with aforesaid police Station case on the self same issue and cause of action on the basis of which a complaint case being C.R. Case No. 12009-228/09 was started on mutually settled.

From the averments in the petition it appears that Paragraphs 5 and 6 are quoted below :

“on 26.09.2011 as per order No. 03 of the Police Case 61 of 2009 the opposite party No. 2 filed a compromise petition before the ld. Additional Chief Judicial Magistrate, Rampurhat, Birbhum to the effect that the dispute already settled between the parties. On the basis of aforesaid compromise petition the complaint case being C.R. No. 228 of 2009 was withdrawn from

the Code of Ld. Additional Chief Judicial Magistrate, Rampurhat, Birbhum and the petitioner was acquitted from the charge of the offence under Section 138 of the Negotiable Instrument Act.

6. The complaint case being C.R. No. 228 of 2009 already dropped as because there was a mutual settlement between both the parties and the opposite party No. 2 by filing a mutual agreement and withdraw the case. The G.R. case No. 291 of 2009 and Rampurhat Police Station Case No. 61 of 2009 dated 23.04.2009 is on the self same issue and self same cause of action. As the opposite party No. 2 does not want to proceed the C.R. Case the Police Case/G.R. Case also should be dropped and quashed because there is already a settlement or compromise initiated between the parties. And a charge sheet in connection with the Rampurhat Police Station Case NO. 61 of 2009 should be quashed and set aside”.

In view of the aforesaid contentions the instant revisional application is disposed of with the direction to the concerned trial court to adduce the veracity of the same if it is found that the dispute between the parties have been resolved by order passed by the trial court in C.R. Case No. 228 of 2009 pending before the Court of Ld. Additional Chief Judicial Magistrate, Rampurhat, Birbhum under Section 138 of the

N.I. Act conceded by both the parties involving the same cause of action. The subsequent G.R. Case No. 291 of 2009 as well as the subsequent charge-sheet filed if any should be quashed.

Copy of the order be sent to the Department as well as trial court for due compliance.

(Ananya Bandyopadhyay, J.)