

23.09.2024

Sl.No. 11

Ct. 32

Amalranjan

In The High Court At Calcutta  
Criminal Revisional Jurisdiction  
Appellate Side

CRR 3973 of 2017

Biswanath Bhadra

Vs.

The State of West Bengal and anr.

Ms. Faria Hossain

Ms. Suparna Chatterjee.....for the State

1. Nobody appears on behalf of the petitioner on call, no accommodation was sought for. The information was also given to the petitioner by the local police station. Despite receiving notice with regard to the pendency of this case, no one represented the petitioner on call.
2. This case pertains to the year 2017. Ld. Counsel appearing on behalf of the State produced the case diary. Considering the age of the instant case and to avoid further delay, record is taken up for disposal.
3. Having heard the learned counsel appearing on behalf of the State and upon perusal of case diary and materials available on record, this Court finds that the petitioner being accused person has filed this application under section 482 of the Criminal Procedure Code, 1973 praying for quashing of Malbazar PS case no. 201 dated 11.05.2016 under section 420 of the IPC pending before the learned Additional Chief Judicial Magistrate, Jalpaiguri.

4. The brief fact is essential for the purpose of disposal of the instant case is as under:
5. It is contention of the petitioner that he is a business man and has good reputation in the locality. During running of his business, the opposite party no. 2 lodged the complaint against the petitioner before Malbazar Police Station, Jalpaiguri with an allegation, inter alia, that the de-facto complainant has transferred Rs. 31,000/- in his bank account on different occasions on the pretext to provide him a job. On the basis of the said complaint, a Malbazar PS case no. 201 dated 11.05.2016 punishable under section 420 IPC has been registered. Investigation has been initiated by the investigating officer and after culmination of the investigation, a charge sheet being no. 473/2016 dated 18.10.2016 under section 420 IPC has been filed against FIR named accused, Biswanath Bhadra, the petitioner herein.
6. The contention of the petitioner is that he has been arrested in the instant case and, subsequently, he was granted bail when he had paid the entire amount to the de-facto complainant/opposite party no. 2 to the tune of Rs. 31,000/-. Who has received the said amount upon issuing receipt as such instant case may be quashed on the ground that the opposite party has received his money back and is ready to settle the issue. There is no further demand from the petitioner against such payment. If the

proceeding continued it would be an abuse of process of law and for the ends of justice, it should be quashed.

7. Upon perusal of the record and also gone through the case diary, this court finds that the nature of allegation against the present petitioner is serious one. FIR named accused person had received money on the pretext to provide job to the opposite party no. 2 through a website named as "Today Friendship.Com".
8. The offence under Section 420 of IPC can be compounded by the person cheated with the permission of the Court but this Court is not satisfied with the contention of the petitioner that the de-facto complainant has nothing to say and wants to settle the issue. Nature of offence can not be allowed to compound on the basis of contention of the petitioner. Furthermore, neither de-facto complainant nor petitioner turned up before this Court to place their case despite given them several opportunities.
9. Sufficient materials were collected during investigation and a prima facie case has been established against the present petitioner herein. Charge sheet has already been submitted. Hence, this court does not find any sufficient reasons to allow the prayer for quashing the proceeding being Malbazar PS case no. 201 dated 11.05.2016 under section 420 of the IPC pending before the learned Additional Chief Judicial Magistrate, Jalpaiguri.

10. Accordingly, **CRR 3973 of 2017** stands dismissed.
11. Interim order, if any, stands vacated.
12. Let a copy of this order be communicated to the learned court below immediately for information and taking necessary action in accordance with law.
13. All parties are to act in terms of the copy of this order downloaded from the official website of this court.
14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

( Ajay Kumar Gupta, J. )