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2024
Ct. No. 237

C.R.R. 4763 of 2022
Dealmoney Securities Private Limited & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sabbir Ahmed
Mr. Shourjyo Mukherjee
Mr. Viswarup Acharyya
Mr. Tasnim Ahmed

...For the Petitioners

Mr. Abdur Rakib
Mr. Dhiman Banerjee

...For the Opposite Party No. 2(i) & 2(ii)

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

...For the State

Re.: IA No. CRAN 4 of 2024

This is an application wherein the petitioners have prayed for quashing of the criminal proceeding in connection with GR Case No. 820 of 2019 arising out of Biddhanagar Police Station (Cyber Crime) Case No. 99 of 2019 dated 20.10.2019, which is presently pending before the learned Additional Chief Judicial Magistrate at Biddhannagar, North 24-Parganas.

The Petitioners herein being aggrieved by the aforesaid proceeding have contended that the allegations leveled in the said proceedings do not make out any offence against the petitioners, far less the offences alleged in the FIR.

During pendency of the application, parties in the application, being IA No. CRAN 1 of 2022 arrived at an understanding and thereby executed a declaration dated 02.8.2021 with an understanding to withdraw the criminal case and thereby payment was made to the victims towards full and final settlement and as such the applicant and

opposite parties of IA No. CRAN 1 of 2022 prayed for quashing the proceeding quo the accused person of the said application.

Thereafter other affected person Gopinath Maji by filing intervening application, being IA No. CRAN 4 of 2022 contended that Company settled the claims to the total satisfaction of the said intervening applicant and executed a settlement agreement on 29th August, 2024 and thereby consented in favour of quashing the impugned proceeding being G.R. No. 820 of 2019.

It is also submitted on behalf of the petitioners that since the matter has been amicably settled by and between the parties, the complainant and the victim, do not want to adduce evidence against the present petitioners and as such continuance of the present proceeding further will be mere abuse of process of the Court.

It is further submitted on behalf of the petitioners that they have also filed a supplementary affidavit annexing all the relevant documents.

Learned Counsel for the State submitted a report which discloses that the victims have settled their accounts in respect of the present petitioners and they do not want to proceed further with the present application and accordingly if the impugned proceeding quo the present petitioners, is dropped, the State has got no objection.

Therefore, in view of the settlement arrived at by and between the parties, further continuance of the aforesaid impugned proceeding

would not serve any fruitful purpose for the cause of justice as there exists no chance of the proceeding to leading conviction to the petitioners in the said proceeding.

In such view of the matter, the impugned proceeding, being GR Case No. 820 of 2019 arising out of Biddhanagar Police Station (Cyber Crime) Case No. 99 of 2019 dated 20.10.2019, which is presently pending before the learned Additional Chief Judicial Magistrate at Biddhannagar, North 24-Parganas is hereby quashed quo the present petitioners, namely petitioner Nos. 1 and 2.

The main application, being C.R.R. 4763 of 2022 and the connected applications are accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)