

26.07.2024

SL. 141
Court No. 551
Sourav

C.R.R. 4114 of 2012
With
CRAN 1 of 2013 (Old No. CRAN 604 of 2013)

In re: An application Under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Satya Prakash Gupta & Anr.**

... petitioners.

Mr. Avishek Sinha
Mr. Patrick Gomes

...for the petitioners.

Mr. Amajit De

... for C.B.I.

Mr. Debangana Bhattacharya
Mr. Ranjit Singh
Mrs. Tutul Das
Mr. Mahiul Islam
Mr. Ratul Deb Banerjee

... for the opposite party no. 2/Central Bank of India.

Mr. Arnab Sinha
Mr. Amartya Baxi

... for the opposite party no. 3/Bank of India.

1. The petitioners and the opposite party nos. 1, 2 and 3 are represented by their respective learned advocates.
2. By filing the instant revisional application under Section 482 Cr.P.C., the petitioners have prayed for quashing of proceedings of G.R. Case No. 445 of 2008 as pending before the learned Judicial Magistrate, 7th Court, Howrah arising out of CBI, BS&FC, Kolkata Case No. RC BSR 2007 E 0001 dated 16.02.2007 under Section 120B read with Sections 420/468/471/477 IPC.
3. At the very outset, learned advocate for the petitioners draws attention of this Court to page 36A of the petition

under consideration being a photocopy of the written complaint as lodged by the opposite party no. 3/Bank of India with the opposite party no. 1/CBI, pursuant to which the CBI registered the aforementioned FIR under the aforementioned sections and accordingly, the aforementioned G.R. Case was started before the learned trial Court as mentioned supra.

4. It is submitted on behalf of the petitioners that after lodging of the FIR, a consortium took place between the petitioners and the opposite party nos. 2 and 3/banks and as per the minutes of the consortium, the petitioners have cleared all the dues of the opposite party nos. 2 and 3/banks and to that effect, the opposite party nos. 2 and 3/banks have given their respective no dues certificate which have been annexed as Annexure P-5 and Annexure P-6 at page nos. 46 and 47 of the instant petition.
5. It is thus submitted that in view of the subsequent progress and in view of the fact that the petitioners have paid all the dues of the opposite party nos. 2 and 3/banks, the aforementioned proceedings may be quashed.
6. In course of his submission, the learned advocate for the opposite party no. 2/Central Bank of India has filed an affidavit stating, *inter alia*, that there is no further dues of the opposite party no. 2/Central Bank of India from the petitioner. The affidavit has filed by the opposite party no. 2/Central Bank of India is taken on record.
7. Learned advocate for the opposite party no. 3/Bank of India

upon instruction submits before this Court that the petitioners before this Court have also cleared all the dues of his client i.e., Bank of India.

8. In view of the discussion made hereinabove and in view of the fact that the opposite party nos. 2 and 3/bank have got all the dues from the petitioners, this Court finds sufficient merit in the instant petition as filed under Section 482 Cr.P.C.
9. Accordingly, the instant revisional application being **CRR 4114 of 2012** as filed under Section 482 Cr.P.C. stands hereby allowed.
10. Consequently, all further proceedings of G.R. Case No. 445 of 2008 as pending before the learned Judicial Magistrate, 7th Court, Howrah arising out of CBI, BS&FC, Kolkata Case No. RC BSR 2007 E 0001 dated 16.02.2007 under Section 120B read with Sections 420/468/471/477 IPC including the FIR as lodged by the opposite party no. 1/CBI stand hereby quashed.
11. With the aforementioned observations, the instant application being **CRR 4114 of 2012** is disposed of.
12. Urgent photostat certified copy of this order, if applied for be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)

