

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRR 284 of 2024

Sri Basant Bansal @ Sri Basant Kumar Agarwal & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Subham Ghosh
Mr. Mayank Roy ...for the petitioners

Mr. Bapi Sarkar
...for the Private opposite party

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Arjun Chowdhury ...for the State

Original affidavit sworn by the defacto-complainant before the
Notary Public, Siliguri is taken on record.

The petitioners herein have prayed for quashing of the
criminal proceeding being New Jalpaiguri Police Station Case no.
196 of 2023 dated 5.3.2023 under Section 406 and 420 of the
Indian Penal Code corresponding to G.R. case no. 1087 of 2023
presently pending before the learned Chief Judicial Magistrate,
Jalpaiguri.

The allegation levelled in the first information report is that
one Dilip Bansal had approached the office of the complainant on
26th January, 2023 and introduced himself as one of the
proprietor of Jeen Tradelink and has given an order of 30 bags of
large cardamom and assured him for instant payment after

delivery. Accordingly, the goods were delivered and complainant has raised a bill of Rs. 10,86,750/-. On 1.2.2023, when the complainant contacted with Dilip Bansal, he was avoiding to make payment on various protexts and thereafter the complainant came to know that the present petitioner Basant Bansal is actual owner of Jeen Tradelink and on confronting, with the bills, Basant Bansal denied of placing such order and denied to have received any cardamom and then he disclosed that he had no link with said Dilip Bansal.

Accordingly, the allegation levelled in the first information report is that both Dilip Bansal and Basant Bansal in connivance with each other had misappropriated the said amount and had caused wrongful loss to the complainant and thereby cheated the complainant.

It is submitted that after completion of investigation, the police has submitted charge-sheet against both the aforesaid accused persons under Sections 420 and 406 of the Indian Penal Code.

However, it is submitted that during pendency of the said proceeding, the parties have amicably settled their dispute and one affidavit has been sworn to that extent on 30th June, 2023 wherein it has been admitted that the price of the said 30 bags of cardamom had already been received by the complainant on full satisfaction.

Accordingly, learned counsel for the opposite party no. 2 submits that they do not want to proceed further with the said criminal proceeding and on further instruction, he submits that the complainant and his witnesses will not depose in support of

the prosecution case in view of the amicable settlement arrived at by and between the parties.

Considering the special circumstances and that in view of amicable settlement arrived at by and between the parties and also considering the submissions that complainant and his witnesses will not depose in support of the prosecution case, I find that chance of ultimate conviction of the accused persons are bleak.

In such view of the matter, continuance of further proceeding before the court below would be an abuse of process of the court.

In view of above, CRR 284 of 2024 is accordingly allowed.

Let all further proceedings being G.R. case no. 1087 of 2023 presently pending before the learned Chief Judicial Magistrate, Jalpaiguri is hereby quashed.

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

(Ajoy Kumar Mukherjee, J.)