

In the matter of:- Tahamina Begum & Ors.

...petitioners

Mr. Avirup Chatterjee,
Mr. Rishov Das.

...for the petitioners.

Learned counsel appearing on behalf of the petitioners submits as follows. This is an application for quashing of a proceeding arising out of Burdwan Police Station Case No.331 of 2015 under Sections 419,420,411,467,468,472,471,473,409 and 120B of the Penal Code read with Section 13 of the Prevention of Corruption Act. It was alleged by the bank that the petitioners had taken loan by providing false information and /or documents. However, the dues for the present petitioners have all been repaid. The bank has also issued relevant "no due certificate". Therefore, the impugned proceeding may be quashed.

It appears that Section 13 of the Prevention of Corruption Act is also there as a charge. So there is a possibility of the involvement of others from the bank in this fraud.

Repayment of money alleged that had been obtained as loan by producing false information or fake documents is hardly a ground on which the entire proceeding can be quashed.

Such repayment can however, be considered by imposing a sentence if at all a trial ensues and a conviction is awarded. But, this is no ground for quashing of the proceeding.

The offences are of public nature and cannot even be settled by the complainant/bank.

Therefore, I do not find any merit in this application.

However, the petitioner shall be at liberty to take up all the points

available to them including the ones taken up herein before the learned Trial Court at an appropriate stage.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)