

02.
19.09.2025

Bd.
Ct. 29

CRR 1183 of 2018
IA No. CRAN 5 of 2021
CRAN 6 of 2023
Ms. Sunita Palita
Vs.
IDBI Bank Limited

Mr. Soumopriya Chowdhuri
Ms. Pritha Basu
Ms. Nairanjana Ghosh
Mr. Debartho Chakraborty **... for the petitioner.**

Mr. Kaushik De
Ms. Mohini Majumder
Mr. Raghab Munshi
Ms. Ayelita Ghosh
Mr. Advish Chatterjee **... for the opposite party**

The instant proceeding being CS 6269 of 2017 was initiated by the complainant/opposite party herein under section 138 of read with section 141 of the Negotiable Instrument Act, with the allegation that the accused persons in order to bring down the overdue amount of cash credit issued a cheque of Rs. 80,00,000/- in favour of the opposite party herein. It is further alleged in the complaint that said cheque was presented for encashment but it was got dishonoured.

It appears that during pendency of the present application the parties have amicably settled their disputes and to that extent the opposite party herein/ IDBI Bank had filed an affidavit on their behalf along with an annexure of "No due Certificate". In the said affidavit petitioner has stated that the opposite party/ Bank has decided not to pursue the aforesaid proceeding being CS /6269 of 2017 pending before learned Chief Metropolitan Magistrate, 3rd Court Calcutta.

Having heard learned counsel appearing on behalf of the petitioner and the opposite party it appears that the

complainant/opposite party in view of above settlement has decided not to adduce evidence in support of the averments made in the complaint and as such the conviction of the present petitioner at the end of the trial is bleak and I find no necessity to go for a façade of trial by the court below, which, if allowed to continue, will be a mere abuse of the process of the court.

The High Court can exercise its power under section 482 of the Code for the purpose of securing ends of justice and I find that in view of genuine settlement between the parties, it is a fit case where the proceeding is liable to be quashed invoking this Court's jurisdiction under section 482 of the Cr.P.C.

Having considered the aforesaid facts and circumstances of the case CRR 1183 of 2018 is allowed.

The impugned proceedings being Case No. CS/6269 of 2017 presently pending before learned Magistrate 3rd Court, Calcutta is hereby quashed.

In view of disposal of main application being CRR 1183 of 2018 other connected applications are also disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)