

206.  
25.04.2025  
bd  
Ct.29

**CRR 1938 of 2021  
IA No.CRAN 1 of 2021  
CRAN 2 of 2025**

**Smita Bajaj & Anr.  
Vs.  
The State of West Bengal & Anr.**

Mr. Ayan Bhattacharya  
Ms. Sanchari Chakraborty ...for the Petitioners.

Ms. Puja Dey ... for the opposite party no.2

Mr. Debasish Roy  
Ms. Sreyashree Biswas  
Mr. Akash Ganguly ... for the State.

Status report filed by the State is kept with the record, which shows that the investigation is still pending.

The petitioners herein have filed this application seeking quashment of Mejia Police Station Case No. 96 of 2021 dated 21.08.2021, lodged by opposite party herein alleging inter alia that the petitioners have impersonated themselves as directors of CHITIZ DIARY & AGRO FOODS PVT. LTD to receive a consignment.

Learned counsel appearing on behalf of the private opposite party/complainant submits that during pendency of the application the matter has been amicably settled between the parties and as such complainant is not willing to proceed further with the Criminal Proceeding being G.R. Case No. 892/2021 and to that extent petitioners and opposite party jointly have filed an application being CRAN 2 of 2025, which is signed by both the parties.

Mr. Bhattacharya, learned senior counsel appearing on behalf of the petitioners submits, when the complainant does not want to proceed further with the case, the main criminal proceeding may be quashed.

Learned counsel appearing for the State submits that both the parties appears to have amicably settled their disputes and as such the State does not want to stand in the way of their amicable settlement for their future peaceful co-existence and as such he leaves prayer to the discretion of the Court for passing appropriate order.

On perusal of the materials in the record it appears that except allegation of conspiracy punishable under section 120B IPC all other offences alleged are compoundable.

Now in order to constitute offence of criminal conspiracy there must be a meeting of minds resulting in ultimate decision taken by the conspirators regarding the commission of an offence. Here the main offence of cheating by personation has been compounded by the parties and as such it would be improper to decline the exercise of power of quashing, only on the ground that it would be permitting the parties to compound an apparently non-compoundable offence. There is nothing to show that the composition among the parties have been made without any valid reason or lacking of bonafides. Therefore no useful purpose will be served by allowing the criminal proceeding to continue, since the chances of an ultimate conviction are bleak in view of aforesaid amicable settlement.

In such view of the matter, CRR 1938 of 2021 and the connected applications are allowed.

The impugned proceedings being G.R. Case No. 892 of 2021 arising out of Mejia Police Station Case No. 96 of 2021 dated 21<sup>st</sup> August, 2021 is hereby quashed.

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.)**