

**CRR 3050 of 2023
with
CRAN 7 of 2025
CRAN 8 of 2025**

**Pallav Mohapatra
Vs.
The State of West Bengal & Anr.**

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Aditya Sarkar
Mr. Sounak Mitra
Mr. Zulfiqar Ali Alquaderi ...for the Petitioner

Mr. Abhimanyu Bannerjee
Mr. Arnab Saha ...for the O.P. no. 2

Mr. Debasish Roy, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Ms. Sanjana Saha ...for the State

CRAN 8 of 2025

Affidavit of service filed by the petitioner is taken on record.

This is an application wherein the petitioner has prayed for quashing of the impugned proceeding being CGR no. 2080 of 2023 arising out of Alipore Police Station case no. 63 dated 4th July, 2023, presently pending before the learned Chief Judicial Magistrate, South 24 parganas at Alipore qua the petitioner, Pallav Mohapatra.

It is submitted on behalf of the complainant/petitioner herein/opposite party that during pendency of the instant application, parties have entered into an amicable settlement and they have resolved that ARCIL will not take any steps to enforce SARFAESI Act in the account of Mr. Sunil Burman or enforce any notice under Section 13(2) or order under Section 14 of the SARFAESI Act or take any steps to dispossess or disturb Mr.

Subir Biswas, the opposite party No.2 in CRR 3050 of 2023 from Flat no. 301, 3rd Floor, measuring 1400 sq feet, 5A and 5B, Bakul Bagan Road, Kolkata- 700025 and thereby waives its enforcement right against the said property.

As per terms of settlement, the said opposite party No.2/complainant Mr. Subir Biswas also grants no objection to the instant application pending before this court, to be allowed for quashing the criminal proceeding, initiated at his instance being C.G.R. no. 2080 of 2023. As per settlement Mr. Subir Biswas also undertakes in terms of settlement to withdraw SA no. 277 of 2023 pending before DRT-1, Kolkata within 15 days from date and also undertakes to withdraw all proceedings against ARCIL and it's employees.

In view of the aforesaid understanding and amicable settlement, the opposite party No.2/complainant has decided not to pursue the instant proceeding and not to adduce evidence in support of complaint and for which they have come up with the instant application being CRAN 8 of 2025.

Learned counsel for the State submits that the State does not want to stand in the way in respect of the amicable settlement arrived at by and between the parties and she leaves the prayer of opposite party no. 2 to the discretion of the court.

In ***State of Karnataka Vs. L. Muniswamy & another*** reported in **(1977) 2 SCC 699**, considering the scope of inherent power of quashing under section 482 of Cr.P.C., Supreme Court held that in the exercise of the wholesome power, the High Court is entitled to quash proceeding if it comes to the conclusion that ends of justice so require.

From the facts and circumstances of the case and in view of aforesaid settlement there is no reasonable likelihood of the petitioner and other accused persons being convicted of the offence. What would happen to the trial of the case, where the complainant/opposite party No.2 decided not to support the imputations made in the complaint, as parties have resolved their disputes amicably. Therefore, no useful purpose is likely to be served by allowing the instant criminal prosecution to continue and taking into consideration the special fact of amicable settlement, the instant proceeding can be quashed.

Having heard learned counsel for both the parties, and considering the fact that the parties have amicably settled their dispute and the complainant/opposite party no. 2 have decided not to proceed against the petitioner and other accused persons involved in the said criminal proceeding, I find further continuance of the present proceeding before the court below will be a mere abuse of process of the court and I also find that there is no requirement to go for a façade of a trial when the complainant and his witnesses have decided not to adduce evidence against the petitioner and other accused persons in support of prosecution case.

In such view of the matter, the criminal proceeding being C.G.R. 2080 of 2023, arising out of Alipore Police Station case no. 63 dated 4th July, 2023, presently pending before the learned Chief Judicial Magistrate, South 24 parganas at Alipore is hereby quashed.

CRAN 8 of 2025 along with application being CRR 3050 of 2023 are accordingly disposed of. Connected application being CRAN 7 of 2025 is 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.)