

15.12.2025
S.L No. 40
Ct. No. 29
SM

CRR 5212 of 2025
With
IA No: CRAN 1 of 2025
Prakash Tiwari & Ors.
VS.
The State of West Bengal & Anr.

Mr. Sabir Ahmed
Mr. Dhiman Banerjee
.....for the petitioners
Mr. Shraman Sarkar
Mr. Quazi Ezaz Ahmed
.....for the opposite party no. 2
Mr. Suman De
.....for the State

This is an application wherein petitioners have prayed for quashing of the proceeding being A.C.G.R. Case No. 3807 of 2024 arising out of Purba Jadavpur Police Station Case No. 33 of 2024 dated 05.07.2024 under Sections 420/406/467/468/471/323/506(i) of the Indian Penal Code presently pending before the learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas.

Mr. Suman De, learned counsel who usually appears before the Court on behalf of State is appointed to represent the State. Concerned authority is directed to regularize appointment of Mr. De.

Petitioner handed over a copy of the application as well as the connected application being CRAN 1 of 2025 to Mr. De. It is submitted

on behalf of the petitioners that the complainant company give a financial aid of Rs. 45 lakhs to petitioners for developing a project at Thakurpukur and thereafter dispute and differences arose between the parties in respect of commercial transaction and for which the instant FIR was lodged. However, during pendency of the application the parties are amicably settled their dispute and a memo of understanding has been entered into between the petitioners and the opposite party no. 2 on 9th July, 2025. In the meantime charge-sheet has also been submitted in the said proceeding under 420/406/120B of the Indian Penal Code.

Learned counsel for both the petitioners and the complainant/opposite party no. 2 submits that they have amicably settled their disputes, which arose in connection with commercial transaction and after execution of the memorandum of understanding they have filed the connected application being CRAN 1 of 2025. At present de facto complainant has no allegation against the petitioners herein and the complainant also does not want to proceed with the instant proceeding nor he wants to adduce evidence in support of the imputations leveled against the present petitioners in the complaint.

Therefore, both of them prayed that the instant proceeding may be quashed.

Learned counsel appearing on behalf of the State submits that the dispute is purely private in nature among the parties and when they have settled their dispute amicably which is basically civil in nature, the State does not want to stand in their way for their future peaceful co-existence.

Having heard learned counsel for the petitioner and both the opposite parties, I find that since both the petitioner and private opposite parties have amicably settled their dispute, further continuance of the present proceeding will be mere abuse of the process of the Court.

Furthermore, in view of such settlement and in view of the decision taken by the complainant that he will not adduce evidence against the petitioners, I find there is hardly any chance of conviction of the present petitioners at the end of trial. Furthermore, it appears that the offences in respect of which charge sheet has been submitted against the petitioners herein are also compoundable offence.

Therefore, this is a fit case where the proceeding can be quashed invoking this

Court's jurisdiction under Section 482 of the Cr.PC.

CRR 5212 of 2025 along with connected application **CRAN 1 of 2025** are allowed.

The impugned proceeding being A.C.G.R. Case No. 3806 of 2024 presently pending before learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas is quashed. Quo the petitioners namely **Prakash Tiwari, Manideep Srivastava** and **Ashok Kumar Saraogi**.

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

[Dr. Ajoy Kumar Mukherjee, J.]