

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 295 of 2024

Sri Indra Chand Agarwal & Anr.

Vs.

The State of West Bengal & Ors.

For the petitioners:	Mr. Nripen Das, Adv. Mr. Debanjan Das. Adv.
For the State	:Mr. Nilay Chakraborty, Ld. APP Mr. Aniruddha Biswas, Adv.
Heard On :	:02.04.2025
Judgment On :	:11.04.2025

Bibhas Ranjan De, J. :

1. The instant revision application is preferred with a prayer for quashment of the proceedings in connection with Siliguri P.S Case No.575 of 2023 dated 24.07.2023 under Sections 406/409/420/120B of the Indian Penal Code (for short IPC).
2. The entire factual backdrop of the case in a nutshell is to the effect that the petitioner no.1 who was associated with one

Paramount Hospitals Private Limited as a Chief Accounts Manager for 23 years was allegedly involved in embezzling a substantial amount of money of the concerned hospital to the tune of Rs. 10 crores (approx) in collusion with the other petitioner over a span of several years and with the acquired illicit funds the petitioners obtained valuable property in and around the vicinity of the town of Siliguri. Upon such complaint, charge sheet under Sections 406/408/420/120B of the IPC was submitted. However, subsequently there was an amicable settlement between the parties and a memorandum of understanding was signed wherein it was envisaged that the petitioner no. 1 shall withdraw the complaint regarding the non-payment of gratuity against the opposite party nos. 2 to 4 corresponding to GA/ALC-I/59/2023 pending before the Additional Labour Commissioner Siliguri. On the other hand, the opposite parties were to provide necessary support to withdraw the allegation leveled in the criminal case against the petitioners and also to do the needful to get the same withdrawn.

Arguments advanced :-

3. Ld. Counsel, Mr. Nripen Das, appearing on behalf of the petitioners has drawn my attention to the memorandum of understanding dated 01.09.2023 wherein it has been clearly stated that the parties to this revision application have reached to an amicable settlement and the dispute shall be deemed as resolved upon compliance of the conditions enshrined therein. Mr. Das has further stated that the petitioners have duly paid the balance amount also after adjustment of the remaining amount from the settlement of gratuity between the parties.
4. In support of this contention, Mr. Das has drawn my attention to the order dated 01.09.2023 passed by the Ld. ACJM, Siliguri wherein the Ld. Trial Court while passing the bail order observed that the defacto complainant by way of affidavit has stated that the matter in dispute has been amicably resolved. With the above contention, Mr. Das has suggested that further continuation of the criminal proceeding would be a sheer abuse of the process of the Court. Therefore, Mr. Das in the interest of justice prays for quashment of the same.

5. In order to further substantiate his argument Mr. Das has taken assistance of the case of :-

Tarina Sen vs. Union of India (UOI) and Ors.

reported in **2024 SCC OnLine SC 2696**

6. None appears on behalf of the opposite parties.

7. Mr. Niloy Chakraborty, Ld. Additional Public Prosecutor appearing on behalf of the State has left the matter to the discretion of this Court by raising a formal objection.

8. Having heard the Ld. Counsel appearing on behalf of the parties as well as after going through the material on record this court finds that there was a financial dispute between the parties who patched up the dispute through an amicable settlement in the form of memorandum of understanding. That apart, it further appears that all the offences alleged in this case are compoundable in terms of provision of Section 320 of the Code of Criminal Procedure (for short CrPC) (corresponding to Section 359 of the **Bharatiya Nagarik Suraksha Sanhita 2023**).

9. In this situation, no option is left to this Court but to rely on the principle laid down in the case of ***Tarina Sen*** (supra) wherein the Hon'ble Apex Court handed down a certain

observation while dealing with cases of similar nomenclature specifically in paragraph 15 which runs as follows:-

“15. Relying on the earlier judgments of this Court, we have held that in the matters arising out of commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court should exercise its powers under Section 482 CrPC for giving an end to the criminal proceedings. We have held that the possibility of conviction in such cases is remote and bleak and as such, the continuation of the criminal proceedings would put the accused to great oppression and prejudice.”

- 10.** By keeping an eye to the aforesaid observation of the Hon’ble Apex Court no other option is left to this Court but to pry into the track of invoking inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023.
- 11.** In the aforesaid view of the matter, the proceeding in connection with GR case no. 2692 of 2023 arising out of Siliguri P.S Case No.575 of 2023 presently pending before the Ld. ACJM, Siliguri stands quashed.

- 12.** As a sequel, the instant revision application, being no. CRR 295 of 2024 stands allowed.
- 13.** Connected applications, if there be any, stand disposed of accordingly.
- 14.** All parties to this revision application shall act on the server copy of this order downloaded from the official website of this Court.
- 15.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]