

13.02.2026
SL No. 4
Ct No. 22
SB

CRR 2245 of 2025

Jaijit Ganguli
Vs.
The State of West Bengal & Anr.

Mr. Diganta Das
Ms. Sukanya Chowdhury ... for the petitioner

Mr. Goutam Misra
Mr. Vaskar Pal ... for O.P. No. 2

1. The petitioner has preferred this revisional application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (read with Section 147 of the Negotiable Instruments Act, 1881), challenging the order dated April 19, 2025, passed by the Learned 4th Judicial Magistrate, Howrah, in Complaint Case No. 661 of 2022. By the impugned order, the Learned Magistrate proceeded to explain the substance of accusation to the petitioner, despite the pendency of a joint settlement petition filed on May 10, 2024.
2. Learned Counsel for the petitioner submits that the dispute, being essentially commercial, has been resolved through an amicable out-of-court settlement. It is further submitted that the entire settlement amount has been discharged via Bank Draft in favour of the Complainant

(Opposite Party No. 2). Consequently, the petitioner contends that the continuation of criminal proceedings would serve no fruitful purpose.

3. Learned Counsel appearing for Opposite Party No. 2 unequivocally affirms the factum of the settlement. He confirms receipt of the settled amount and expresses his client's willingness to compound the offence. Both parties seek a direction to the Trial Court to pass a final order of acquittal based on this settlement.
4. Considering the settled position of law that the compounding of an offence under Section 138 of the NI Act can be encouraged at any stage, this Court finds that allowing the trial to proceed would be a futile exercise and an unnecessary burden on the exchequer.
5. In view of the consensus reached between the parties and the fact that the dispute is essentially commercial in nature, this Court finds it appropriate to allow the parties to proceed for the termination of the proceedings through the process of compounding, as per Section 147 of the Negotiable Instruments Act, 1881.

6. Accordingly, C.R.R. 2245 of 2025 is disposed of with the following directions:

- i. The matter is remanded to the Learned 4th Judicial Magistrate, Howrah, for formal disposal of the compounding petition(s) pending therein.
 - ii. The Learned Trial Court shall hear and dispose of the said petition(s) in accordance with the law within a period of four weeks from the date of communication of this order or from the date of production of a server copy of this order.
 - iii. All further proceedings in Complaint Case No. 661 of 2022, including the operation of the order dated April 19, 2025, shall remain stayed until the disposal of the compounding petition.
 - iv. The parties are directed to produce a certified copy of this order before the Learned Trial Court within seven days to ensure compliance with the stipulated timeline.
7. Interim order, if any, stands vacated.
8. All parties shall act on a server copy of this order.

(Uday Kumar, J.)