

03.02.2026

Sl. No.12.

D/L.

Mithun.

Ct.No.29.

CRR/3128/2024

M/s. Avanti Tubes Pvt. Ltd. & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Avirup Chatterjee,
Mr. Rishov Das,
Mr. Prasenjit Paul

... for the petitioners

Mr. Abhishek Bhattacharjee

...for respondent no.2

Mr. Debasish Roy, Ld.P.P.,
Mr. Arijit Ganguly,
Mrs. Debjani Sahu

...for the State

Report submitted by the Officer-in-Charge, Hare Street Police Station is taken on record.

The instant Application has been preferred for setting aside the order dated 24th November, 2023 passed by Additional Sessions Judge, 1st Fast Track Court, Bichar Bhawan in Criminal Revision No.96 of 2017, by which court below affirmed the order dated 15th March, 2017, passed by learned Chief Judicial Magistrate, Calcutta in connection with G.R. Case No.2039 of 2014 corresponding to Hare Street Police Station Case No.519 of 2014 under Sections 406/420/421/332/506(II)/120B of IPC.

It is submitted by learned Counsel for the petitioners and the complainant/opposite party that during pendency of the case, matter has been amicably settled and the entire amount has been paid to the bank. This Court by an order dated 2nd January, 2016 directed the State to submit a report enclosing the statement of the opposite party no.2 regarding petitioner's claim of amicable settlement.

From the report it appears that the Investigating Agency has recorded the statement of two Bank Officials who stated that there is no outstanding amount from the end of the petitioners.

Learned Counsel appearing on behalf of the opposite party submits that as the matter has been amicably settled, the *de facto* complainant has decided not to adduce evidence against the petitioners and, as such, he prays for quashing of the impugned proceeding.

Having heard learned Counsel for the petitioners and both the opposite parties, it appears that since the *de facto* and the accused has amicably settled their dispute pertaining to an allegation mainly based on cheating and criminal breach of trust and when the *de facto* complainant has already decided not to adduce evidence against the petitioners, I find that conviction of the present petitioners at the end of trial is bleak and therefore further continuance of the present proceeding will be mere abuse of the process of the Court.

In such circumstances, CRR 3128 of 2024 is allowed.

The impugned proceeding being G.R. Case No.2039 of 2014 presently pending before learned Chief Judicial Magistrate, Calcutta is hereby quashed.

Learned Counsel appearing for the Bank submits that bank has already issued No Objection Certificate to the petitioners.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)