

20.03.2026

Sl.No. 34

Ct. 32

Amalranjan

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 4320 of 2022
With
CRAN 8/2026, CRAN 9/2026

Sougata Sarkar
Vs.
The State of West Bengal and anr.

Mr. S. Banerjee
Mr. Syed Nurul Arefin
Mr. Rahul Singh
.....for the petitioner

Ms. Sharmistha ghosh
Mr. Ranit Ray
.....for the o.p. no. 2

Mr. Anand Keshari
Mr. Asif Dewan
.....for the State

1. This instant criminal revisional application has been filed by the petitioner seeking quashing of the proceeding being G.R.(S) case no. 1192 of 2019 arising out of Hare Street P.S. Case no. 290, dated September 16, 2019 under Sections 406/420/120B of the Indian Penal Code, 1860, pending before the Court of learned Chief Metropolitan Magistrate, Kolkata.
2. It is submitted by the Learned Counsels representing the petitioner and opposite party no. 2 that the matter has been settled between the parties out of court and a joint compromise petition has already been filed by both parties for an appropriate order.

3. The instant case relates to the assignment of work obtaining environmental impact assessment clearance by the West Bengal Infrastructural Development Limited, and there was a delay in the completion of work due to various factors. Disputes have arisen between the parties with regard to the non-refund of the advance. The dispute between the parties is purely a commercial transaction, and there is no element of criminal offence.
4. Now, both parties have arrived at a settlement out of court, and they have settled their disputes without any coercion and/or undue influence. In such circumstances, this court can exercise its inherent power to allow the joint application for passing an appropriate order by way of quashing the proceeding.
5. Learned counsel appearing on behalf of the State also has no objection to such a compromise since the matter relates to the disputes between the two parties with regard to the tender and assignment of work. Since the complainant does not want to proceed with the case any further, and considering that the matter has been settled out of court, this application may be disposed of.
6. Having considered the submissions of the respective parties and upon perusal of the compromise application filed by the parties, this court does not find any impediment to allow the prayer, more particularly, when the agreement dated 18th April, 2026, and the

Memorandum of Understanding signed by both parties are appended with the joint application.

7. From the materials on record, it is clear that the facts and circumstances in the present case are connection with a personal dispute between the parties and are private in nature and the parties have now resolved their entire dispute by way of a compromise/settlement on affidavit and, as such, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice could be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the complainant. The Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab and Another***¹ clearly indicated that in such circumstances, the matter can be quashed by the High Court in exercise of inherent power under section 482 of the Cr.P.C.
8. With the above observations, I am inclined to quash the proceedings against the present petitioner.
9. Accordingly, **CRR 4320 of 2022** is **allowed**.
10. The proceeding being G.R.(S) case no. 1192 of 2019 arising out of Hare Street P.S. Case no. 290 dated September 16, 2019, under Sections 406/420/120B of the Indian Penal Code, 1860, pending before the Court of

¹ (2012) 10 SCC 303

the learned Chief Metropolitan Magistrate, Kolkata, is hereby quashed.

11. Consequently, pending applications being **CRAN 8/2026** as well as **CRAN 9/2026** are, thus, disposed of.
12. Interim order, if any, stands vacated.
13. Let the order be communicated to the Ld. Court below for information.
14. Case Diary, if any, be sent back to the learned counsel for the State.
15. Trial Court Records, if any, be remitted back to the learned court below.
16. All parties shall act in terms of the copy of this order duly downloaded from the official website of this court.
17. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after observing all legal formalities.

(Ajay Kumar Gupta, J.)