

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1408 OF 2018  
[@ SPECIAL LEAVE PETITION (CRL.) NO. 6082 OF 2018]

RAJEEB KOTHARI

Appellant (s)

VERSUS

THE STATE OF WEST BENGAL & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant approached this Court since the High Court declined to exercise its jurisdiction under Section 482 Cr.P.C. The appellant sought quashing of proceedings in GR Case No. 634 of 2001 pending on the file of Metropolitan Magistrate, 4<sup>th</sup> Court, Kolkata. It is the case of the appellant that the disputes between the parties have been settled.
3. Despite service of notice, the second respondent, who is the de-facto complainant, is not present. There is no appearance as well. The learned counsel appearing for the State, however, points out that the trial is in progress. We are afraid, this contention cannot be appreciated. This Court had granted stay of the proceedings by order dated 10.08.2018.

4. We find that the appellant was chargesheeted under Sections 406, 420 and 120B IPC. Now that the parties have settled their disputes outside the court, we do not find that there is any need for the criminal proceedings to continue any further since in any case, the trial court will have to take into consideration the settlement. The appeal is, hence, allowed.

5. Proceedings in GR Case No. 634 of 2001 on the file of Metropolitan Magistrate, 4<sup>th</sup> Court, Kolkata are quashed.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ HEMANT GUPTA ]

New Delhi;  
November 16, 2018.