
(2012) 07 JH CK 0101

In the Jharkhand High Court

Case No : Criminal M.P. No. 1081 of 2012

Indrajit Banerjee and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 02-07-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 406, 409, 420

Citation : (2010) 4 JLJR 474

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : Amitabh, for the Appellant; Indrajit Sinha for the Opp. Party No. 2, for the Respondent

Final Decision : Allowed

Judgement

R.R. Prasad

1. This application has been filed for quashing of the entire criminal proceeding as well as FIR of Doranda P.S case no.208 of 2010 registered under Sections 406, 409, 420/34 of the Indian Penal Code on the ground that the parties have settled their dispute which are personal in nature. The case of the informant as it appears from the FIR is that in January, 2005 when the informant was selected as one of the players of the Indian Team for one day matches, the accused no.1 (petitioner no.2) approached him and represented that he as well as his Company does have sufficient expertise to have commercial contract for the person of repute and induced the informant to go for commercial contracts with various Companies for endorsing and marketing their products. On such inducement, the informant entered into an agreement on 18.1.2005 for three years with the company known as Gameplan Sports Pvt. Ltd. and thereby it was appointed as the informant's sole Managercum-Agent for the purpose of looking after his interest in relation to the promotional activities and to negotiate and sign the agreement with third parties who would be desirous for utilizing the name and fame of the informant. By the said agreement, the said Company was

authorized to receive payments from the companies/advertisers for whom the informant would be undertaking advertising campaign or promotional activities. During subsistence of the contract, the informant took advertising campaigns/promotional activities for several Companies but the accused person in spite of receiving money worth Rs.8,44,20,169/- from various Companies did not account for in the account of the informant, as had been agreed upon.

2. It has been further alleged that after 31.1.2008 when the agreement got lapsed, the accused company acting as an Agent on behalf of the informant on freelance basis also did not account for sum of Rs.2.02,50,000/- which the Company had collected it from different Companies and thereby the accused persons put the informant to wrongful loss to the extent of Rs.10,46,70,169/- which the accused got it misappropriated.

3. It was submitted on behalf of the petitioner that after the case was lodged, the parties got their dispute settled amicably and came to an agreement which was reduced in writing and was filed before the Kolkata High Court in C.S.No.100 of 2010 and C.S.No.240 of 2010.

4. Since the parties have entered into an agreement, the informant (opposite party) intimated the concerned police station about the said agreement and even copy of the agreement was transmitted to him and that even the payments have been made to informant. In such situation, the case be quashed in view of the ratio laid down in a case of Madan Mohan Abbot vs. State of Punjab [(2008) 2 S 750] as the dispute which got settled was personal in nature and never involved public policy.

5. Mr.Indrajit Sinha, learned counsel appearing for the opposite party no.2 submitted that it is true that the parties have got their dispute settled amicably.

6. Having heard learned counsel appearing for the parties, it does appear that the dispute in between the parties being personal in nature never involves with public policy ended in a compromise and hence, criminal proceeding in view of the ratio laid down in a case of Madan Mohan Abbot vs. State of Punjab (supra) never warrants to be allowed to be continued. The Hon''ble Supreme Court taking note of the fact that the dispute being purely a personal one not involving public policy was resolved by way of compromise did hold that it is perhaps advisable that in dispute where the question involved is purely of personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceeding as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Court grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.

7. Under the circumstances, no useful purpose would be served in allowing the criminal proceeding to continue with, as there would be no possibility of any conviction being recorded when the parties have settled their dispute which was personal in nature never involved any public policy and hence, the entire criminal

proceeding of Doranda P.S case no.208 of 2010 (G.R.No.2477 of 2010) is hereby quashed. In the result, this application is allowed.