

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 2306 of 2019

CRAN 1 of 2019 (Old No.CRAN 3445 of 2019)

Vikash Agarwal & Ors.

Vs.

The State of West Bengal & Anr.

For the Petitioners	:	Mr. Subir Debnath, Ms. Roma Roy.
For the State	:	Mr. Prasun Kumar Datta, Mr. Imran Ali, Ms. Manasi Ray.
For the Opposite Party No.2	:	Mr. Ankit Agarwala, Ms. Alotriya Mukherjee.
Heard on	:	21.12.2020
Judgement on	:	21.12.2020

Jay Sengupta, J. :

1. This is an application praying for quashing of a proceeding on the ground of compromise in a case where a charge sheet was submitted under Sections 406 and 498A read with Section 34 of the Penal Code.

2. Learned Counsel appearing on behalf of the petitioners submits as follows.
The petitioners are the husband and the other in-laws of the opposite party no.2/wife. During pendency of the impugned proceeding, a compromise and settlement was arrived at between the private parties of all disputes that had led to the initiation of the impugned proceeding. A joint compromise application has also been filed in this regard. A reference may be made of paragraphs 5, 6 and 7 of the joint compromise application. The streedhan articles were returned to the opposite party no.2 in a proceeding under Section 451 of the Code. An application under Section 13B of the Hindu Marriage Act is pending before a learned civil Court.
3. Learned Counsel appearing on behalf of the de facto complainant/opposite party no.2 submits as follows. A compromise and settlement has indeed been arrived at between the accused and the de facto complainant/victim. In view of such compromise, the impugned proceeding may be quashed on the ground of compromise and settlement.
4. Learned Counsel appearing on behalf of the State, in his usual fairness, submits that the State would not come in the way if a settlement is arrived at between the private parties. He refers to the case diary and submits a report filed in this regard as prepared by the investigating officer of the case, which incorporates a letter dated 16.12.2020 sent to him by the de facto complainant about such compromise and settlement.

5. I have heard the submissions of the learned Counsels appearing on behalf of the parties and have perused the case diary and the report filed by the investigating officer.
6. It appears that a compromise and settlement has indeed been arrived at between the private parties. I find that this is a case which should be quashed on the ground of compromise and settlement in terms of the ratio laid down by the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab*** reported in ***(2012) 10 SCC 303***.
7. In view of the above and in the interest of justice, I quash the impugned proceeding on the ground of compromise and settlement arrived at between the private parties.
8. With these observations, the revisional application and the connected application are disposed of.
9. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

