

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
(via- Video Conference)

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 3414 of 2019

CRAN 1 of 2020 (Old CRAN 490 of 2020)
CRAN 2 of 2020 (Old CRAN 730 of 2020)

Ananda Mohan Mondal
Vs.
The State of West Bengal & Anr.

For the Petitioner : Mr. Priyanjit Kundu,
Mr. Mazahar Hossain Chowdhury.

For the State : Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

For the De Facto Complainant : Mr. Deboprati Guha,
Ms. Aneha Sarkar.

Heard on : 19.10.2020

Judgement delivered on : 19.10.2020

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding under Sections 341, 354A, 506 read with Section 34 of the Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned Counsel appearing on behalf of the petitioner submits as follows.
The present proceeding arose out of a misunderstanding between neighbours and has thereafter being settled and compromised between the parties. An application for joint

compromise has also been filed. It is also submitted that uncontroverted allegations do not disclose ingredients of the alleged offences under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Reliance is placed on the decision of a coordinate Bench of this Court passed in ***Debashish Dhar @ Lintu vs. State of West Bengal & Anr.***, CRR 1786 of 2014 passed on 14.07.2017.

Learned Counsel appearing on behalf of the de facto complainant/opposite party supports the contentions of the learned Counsel for the petitioner. According to him, such a settlement has indeed been arrived at between the private parties and the uncontroverted allegations did not make out a case under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Referring to the case diary, learned Counsel appearing on behalf of the State, in his usual fairness, submits that if the private parties arrive at a compromise, the State would not come in the way of such settlement. He refers to a decision of the Hon'ble Apex Court in the case of ***The State of Madhya Pradesh vs. Laxmi Narayan and Others., Criminal Appeal No.349 of 2019*** in this regard.

Having considered the averments made in the applications and the submissions of the learned Counsels for the parties, I am of the view that further continuation of the impugned proceeding shall be an abuse of the process of Court.

Accordingly, the impugned proceeding being T.R. (Atro) 06/2019 arising out of Sutamata Police Station Case No.358 of 2017 dated 11.10.2017 under Section 341, 354A, 506 read with Section 34 of the Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending before the learned Additional Chief Judicial Magistrate II, Haldia, Purba Midnapur (corresponding to GR Case No.1497 of 2017) is quashed on the ground of compromise and settlement.

Accordingly, the revisional application and the connected applications are allowed and disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

NB