

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1361 of 2020

CRAN 1 of 2020

CRAN 2 of 2020

Arabinda Naskar

Vs.

The State of West Bengal & Anr.

For the Petitioner : Mr. Manas Dasgupta.

For the State : Mr. Saibal Bapuli,
Ms. Sayanti Santra.

For the Opposite Party No.2. : Ms. Kabita Mukherjee

Heard on : 22.12.2020

Judgement on : 22.12.2020

Jay Sengupta, J. :

1. This is an application seeking quashing of a proceeding in which a charge sheet was submitted under Sections 325, 406 and 498A of the Penal Code against the husband/ petitioner.

2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. Learned Counsel appearing on behalf of the petitioner submits as follows.

The petitioner is the husband of the opposite party no.2. During pendency of the impugned proceeding, a compromise and settlement has been arrived at between the accused and the de facto complainant/victim of all disputes that had led to the registration of the First Information Report. No evidence has been recorded as yet. The husband and wife are presently staying together and leading a peaceful married life. A reference is made to paragraph nos.3 and 4 of the joint compromise application.
4. Learned Counsel appearing on behalf of the de facto complainant/wife submits as follows. A compromise and settlement has indeed been arrived at between the private parties of all disputes that had led to the initiation of the present case. In the interest of justice, the proceeding ought to be quashed on the ground of compromise and settlement.
5. Learned Counsel appearing on behalf of the State refers to the case diary and submits as follows. The State would not come in the way if a compromise and settlement is arrived at between the private parties. There is hardly any cogent medical evidence available to arraign the petitioner with a charge under Section 325 of the Penal Code.
6. A report prepared by the investigating officer of the case incorporating a statement of the victim recorded by him and a letter written by the victim in

respect of the purported compromise is filed on behalf of the State. The same is taken on record.

7. I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition, the case diary and the report filed by the investigating officer.
8. It appears that a compromise and settlement has indeed been arrived at between the accused /petitioner and the de facto complainant/victim of all disputes that had led to the initiation of the impugned proceeding.
9. 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.
10. With these observations, the revisional application and the connected applications are disposed of.
11. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

