

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1721 of 2020

With
CRAN 1 of 2020

Kalyanmoy Roy & ors.
Vs.
State of W.B. & another

For the Petitioners : Mr. Surya Prasad Chattopadhyay
: Mr. Arjun Samanta

For the State : Mr. Rana Mukherjee, Ld. APP

For the o.p.no.2 : Mr. Suman Ganguly

Heard on: 15th December, 2020

Judgment on : 15th December, 2020

The Court:

This is an application for quashing of a proceeding in ACGR Case No. 1350 of 2017 pending before the learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas, in which a charge-sheet was submitted under Sections 406, 498A, 506 and 509 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

A report filed on behalf of the State is taken on record along with the copy of a letter given by the defacto-complainant/victim lady is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. At the intervention of common friends and relatives, all the disputes between the private parties that had led to the initiation of the present proceeding have been settled between the private parties. A mutual divorce as prayed for by the couple was decreed and a permanent alimony amount of Rupees Fifty lakhs was also duly paid. A joint compromise application has been preferred by the accused and the victim/defacto-complainant praying for quashing of the impugned proceeding on the ground of compromise and settlement.

Learned counsel appearing on behalf of the defacto-complainant supports the contention of the learned counsel for the petitioners that an amicable settlement has indeed been arrived between the private parties of all disputes that had led to the registration of the instant First Information Report. The defacto-complainant prays that the proceeding may be quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the State, in his usual fairness, submits that the State would not come in the way if a compromise and settlement is arrived at between the private parties. He relies on a report filed by the Investigating Officer in this regard

wherefrom it will appear that the defacto-complainant had intimated that she did not want to proceed with the case.

It appears that a compromise and settlement has indeed been arrived at between the private parties of all disputes that had led to the initiation of the impugned proceeding. The private parties have decided to part ways amicably.

In view of the decision laid down by the Hon'ble Apex Court in case of Gian Singh vs. State of Punjab & Anr., (2012) 10 SCC 303, I find that this is an appropriate case where the proceeding should be quashed on the ground of compromise and settlement.

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.

With these observations, the revisional application and the connection application are disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)