

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA**  
**Criminal Revisional Jurisdiction**  
**Appellate Side**

Present:

**The Hon'ble Justice Jay Sengupta**

**CRR 31 of 2021**

With

IA No: CRAN 1 of 2021

**Arnab Jyoti Sarkar and another**  
**Vs.**  
**State of W.B. & another**

For the Petitioners : Mr. Niladri Sekhar Ghosh  
: Mr. Srimoyee Mukherjee

For the State : Mr. Saswata Gopal Mukherji, Ld.PP  
: Ms. Sreeparna Das

For the o.p.no.2 : Mr. Mujibar Ali Naskar

Heard on: 20<sup>th</sup> January, 2021

Judgment on : 20<sup>th</sup> January, 2021

**The Court:**

This is an application seeking quashing of an investigational proceeding under Sections 498A and 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the father-in-law of the defacto-complainant/victim in this case.

During pendency of the proceeding, a compromise and settlement has been arrived at between the private parties of all disputes that had led to the registration of the First Information Report. In fact, the husband and the wife are staying together. In the interest of justice, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the victim/opposite party no.2 submits as follows. A compromise and settlement has indeed been arrived at between the accused and the defacto-complainant/victim of all disputes that had led to the initiation of the present case. A joint compromise application has also been filed in this regard praying for quashing of the proceeding on the ground of settlement.

Learned counsel appearing on behalf of the State relies on the case diary and, in his usual fairness, submits that the State would not come in the way if a settlement and compromise is arrived at between the private parties.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners, the opposite party no.2

and the State and have perused the revision petition and the case diary.

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 husband and wife are admittedly staying together.

Considering the facts and circumstances of the case, I find that this is a fit case for quashing on the ground of compromise and settlement in view of the ratio laid down by the Hon'ble Apex Court in case of Gian Singh vs. State of Punjab, (2012) 10 SCC 303.

In view of the above and in the interest of justice, I quash the impugned proceeding on the ground of compromise and settlement between the accused and the victim/defacto-complainant.

The revisional application and the connected 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.)**