

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 89 of 2021
CRAN 1 of 2021

Dinesh Kumar Patel
-vs-
The State of West Bengal & Anr.

For the Petitioners : Mr. Md. Karim Warsi
Mr. Md. Rahim Warsi

For the Opposite party : Ms. Arpita Mondal
Ms. Soni Gupta

For the State :Ms. Sukanya Bhattacharya
Mr. Md. Kutubuddin

Heard on : 01.03.2021

Judgment on : 01.03.2021

Jay Sengupta, J.:

This is an application for quashing of a proceeding in which a charge-sheet was submitted under Sections 376, 417 and 506 of the Indian Penal Code.

The learned counsel appearing on behalf of the petitioner submits as follows. The prime grievance of the defacto-complainant/opposite party no.2 was that despite giving promise, the petitioner did not marry her. During pendency of the revisional application, all the disputes that had led to the initiation of the impugned proceeding have been settled and compromised between the private parties. In fact, the petitioner and the defacto-complainant have got married. Reliance is placed on the copy of the marriage certificate dated 18.10.2019 appended to the joint compromise application. The husband and wife are leading a happy married life and in view of the above, the impugned proceeding ought to be quashed.

Learned counsel appearing on behalf of the defacto-complainant/opposite party submits as follows. The disputes between the private parties that had led to the registration of the First Information Report have been

compromised and settled between the accused and the victim. In fact, the accused has got married to the victim. In view of the same, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the State relies on the case diary and the subsequent statement of the victim lady recorded under Section 164 of the Code on 22.02.2021 and submits as follows. The defacto-complainant has given a statement under Section 164 of the Code. The petitioner was her boyfriend and presently they are married to each other. The husband and the wife are living happily and the defacto-complainant did not have any allegation against the petitioner.

It appears that an amicable settlement and compromise has been arrived at between the accused and the victim lady. In fact, they have got married to each other and are leading a happy married life.

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.

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.)