

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1462 of 2020
CRAN 1 of 2020

Shikha Binani
Vs.
The State of West Bengal & Anr.

with

CRR 525 of 2019
CRAN 1 of 2020

Kanchan Newar & Anr.
Vs.
The State of West Bengal & Anr.

with

CRR 76 of 2020
CRAN 1 of 2020
Kiran Binani & Anr.
Vs.
The State of West Bengal & Anr.

For the Petitioner : Mr. Avik Ghatak, Adv.
Mr. Amit Ranjan Pati, Adv.

For the opposite party 2 : Mr. Saibal Krishna Dasgupta, Adv.

For the State : Mr. P. K. Dutta, Adv.
Mr. Imran Ali, Adv.
Mr. S. Deb Roy, Adv.

Heard on: : 07th January 2021

Judgment on : : 07th January 2021

The Court:

The present applications have been filed on behalf of the different accused in this case seeking quashing of a proceeding in which a charge sheet was submitted under Sections 406, 498A read with Section 34 of the Penal Code and Sections 3, 4 of the Dowry Prohibition Act.

In C.R.R. 1462 of 2020, the petitioner is the sister-in-law of the victim / de facto complainant, in C.R.R.525 of 2019, the petitioners are the aunts-in-law of the victim and in C.R.R. 76 of 2020, the petitioners are the mother –in-law and the husband of the victim. The petitioners in all these three revisions constitute all the accused in this case.

Learned counsel appearing on behalf of the petitioners submits as follows. During pendency of the revisional application being CRR 525 of 2019, a compromise and settlement was arrived at between the accused and the victim who is also the de facto in this case. They settled all the disputes that had led to the initiation of the

present proceeding. Accordingly, joint compromise applications were filed in these three revisions.

Learned counsel appearing on behalf of the de facto complainant / victim in the three revisions submits as follows. The compromise and settlement has indeed been arrived at between the private parties and a joint compromise application has been filed in this regard. In the interest of justice the impugned proceeding ought to be quashed on the ground of settlement and compromise.

Learned counsels appearing on behalf of the State in these three revisions submit that the State would not come in the way if a compromise is arrived at between the private parties.

I have heard the submissions of the learned advocates for the parties and have perused the revision petitions, the joint compromise applications and the case diary.

It appears that the disputes that had led to the registration to the F.I.R. have indeed been settled and compromised between the de facto complainant/victim and all the accused in this case. Therefore, it will be in the interest of justice that the impugned proceeding is quashed. This will be in keeping with the ratio laid down by the Hon'ble Apex Court in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303.

In view of above and in the interest of justice, the impugned proceeding is quashed on the ground of compromise and settlement.

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

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

(Jay Sengupta,J.)

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