

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 346 of 2020

With

IA No: CRAN 1 of 2020 (Old No: CRAN 473 of 2020)

Indrajit Mitra & ors.

Vs.

State of W.B. & another

For the Petitioners : Ms. Eshita Dutta

For the State : Ms. Sayanti Santra

For the O.P. No.2 : Ms. Jonaki Saha

Heard on: 26th February, 2021

Judgment on : 26th February, 2021

The Court:

This is an application for quashing of a proceeding in which a charge-sheet was submitted under Sections 376, 420 and read with Section 120B of the Indian Penal Code.

A report dated 20.03.2020 filed by the Investigating Officer of the case, as filed in Court, is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the prime accused and the petitioner nos. 2 to 4 are the relatives of the petitioner no.1. It was alleged by the victim/opposite party no.2 in her First Information Report that despite given a promise to marry and consequently, entering into the relationship, the petitioner no.1 refused to marry the defacto-complainant. In course of the proceeding and at the intervention of common friends, the disputes that had led to the registration of the First Information Report were compromised and settle between the private parties. In fact, the petitioner no.1 got married to the opposite party no.2 and they are leading a happy married life. 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 private parties of all disputes that had led to the initiation of the impugned proceeding. In fact, a joint compromise application has been filed by the private parties in this regard annexing a copy of the certificate of marriage that took place between the petitioner no.1 and the opposite party no.2

Learned counsel appearing on behalf of the State relies on the case diary and the report filed by the Investigating Officer and submits as follows. As would be evident from the report filed by the Investigating Officer annexing a copy of the marriage registration certificate of the couple that the petitioner no.1 and the opposite party no.2 have got married. It appears that the alleged victim is leading a happy conjugal life with the petitioner no.1 and does not want to proceed with the case. In the event, such a compromise and settlement is arrived at between the private parties, the State would not come in the way of such settlement.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners, the opposite party and the State and have perused the revision petition, the case diary and the report filed on behalf of the State.

It appears that the disputes that had led to the initiation of the impugned proceeding have been settled between the accused and the defacto-complainant/victim. In fact, the prime grievance of the victim that the petitioner no.1 refused to marry her has been addressed in as much as the two have got married to each other.

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.

Accordingly, 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.)