

36  
15-11-2021  
Subha.  
ct, no.34

**CRR No. 294 of 2021**

with  
CRAN 1 of 2021

**In Re : Sakila Mallick @ Sakina Begum**

**.....Petitioner.**

In the matter of : An application under Sections 401/482 of  
the Code of Criminal Procedure.

Mr. Tapan Dutta Gupta  
Mr. Parvej Anam  
Mr. Wasim Raj Sardar  
Mr. Avishek Das

.... for the petitioner.

Mr. Arup Krishna Das

....for the de facto complainant.

Mr. Avijit Ganguly  
Mr. Saryati Dutta

..... for the State.

Supplementary affidavit filed by the petitioner be  
kept with the record.

Initially, the petitioner and de facto complainant  
attempted to contend that there has been a compromise  
between the parties, as such, the proceedings before the  
learned Additional Chief Judicial Magistrate, Srirampore  
should be quashed.

I find that the proceedings were registered for  
offences which included amongst others offence under  
Section 304 of the Indian Penal Code, as such, I am of the  
view that no compromise can be effected between the parties  
when offence of such nature is against the society.

Mr. Dutta Gupta, learned advocate for the petitioner subsequently submitted before this court that he do not intend to proceed with the issue of compromise being effected.

Learned advocate for the petitioner insisted before this court that the other points should be gone into so as to assess whether the allegations made therein, prima facie, make out any offence or not.

Be that as it may, having regard to the contentions so advanced and on perusal of the materials placed before this court, I am of the view that the petitioner would be at liberty to agitate on merits on receipt of the copies under Section 207 of the Code of Criminal Procedure at the stage of consideration of charge.

With the aforesaid observations, the present criminal revisional application being CRR 294 of 2021 is disposed of.

Accordingly the application being CRAN 1 of 2021 is dismissed.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

**( Tirthankar Ghosh, J. )**