

01.03.2021
Item no.36
Ct. No.42
CHC

**C.R.R. No.435 of 2021
IA No. C.R.A.N.1 of 2021
(Physical Hearing)**

In Re: An application for quashing of the proceedings under Section 401 read with Section 482 of the Code of Criminal Procedure,1973.

In the matter of:-

Aafasar Ali Sek @ Sk. Apsar & anr.
... Petitioners

Mr. Navanil De,
Mr. Rajeshwar Chakraborty
... for the petitioners

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Arijit Ganguly
...for the State

Ms. Sreyashee Biswas,
Ms. Puja Goswami
...for the de facto
complainant/opposite party no.2

Affidavit-of-service furnished by the petitioners be kept on record.

Mr. Ganguly, learned advocate representing the State submits that investigation has already ended in charge-sheet under Sections 341/325/307/34 of the Indian Penal Code against the petitioners/revisionists.

Mr. De, learned advocate representing the petitioners contends that peace has restored between the parties following an amicable settlement between the parties. A separate application being C.R.A.N.1 of 2021 is also listed in connection with this

revisional application, wherein there is also reference of reaching amicable and mutual settlement between the parties. The victim Ramjan Khan has already sworn an affidavit in connection with C.R.A.N. application.

Ms. Sreyashee Biswas, learned advocate representing the de facto complainant/opposite party no.2 submits that victim had to be admitted for one day in the hospital and thereafter was discharged.

Though the victim was subjected to C.T. Scan, but the impression given in connection with C.T. Scan is not that much serious requiring the offence not to be compounded even after their good sense having been prevailed over at the moment.

The instant revisional application is for quashing by reason of the mutual settlement already effected between the parties. Admittedly, the parties to this case are the neighbours and peace has restored between them for the settlement of their disputes. When the dispute has been settled outside the Court, the Court should not stand on the way.

Having considered the rival submission of the parties, the impugned proceeding being G.R. Case No.346 of 2019 under Sections 341/325/307/34 of the Indian Penal Code stands quashed. The offence accordingly stands compounded by reason of the offence being compounded. The accused persons thus are acquitted.

The instant revisional application and the connected application are disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)