

14.09.2021
Ct No. 35
D/L 152
ab

C.R.R. 457 of 2021
With
C.R.A.N. 1 of 2021
(Via Video Conference)

Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In re : **Abhisekh Sil @ Avisek Sil & Ors.**

... Petitioners

Mr. Souvik Mitter,
Mr. Litan Maitra,
Ms. Rajnandini Das,

... for the petitioners

Mr. S. G. Mukherjee,
Mr. Madhusudan Sur,
Mr. Dipankar Paramanick,

... for the State

Mr. Priyanjit Kundu,

... for the opposite party no. 2

This is an application for quashing of a proceeding, arising out of G.R. No. 1957 of 2019 under Sections 417/418/ 420/ 406/120B/506 of the Indian Penal Code, 1860, pending before the Court of the learned Chief Judicial Magistrate, Hooghly.

The petitioners and the opposite party no. 2 have jointly filed an application of compromise being CRAN 1 of 2021. It has been stated in the said joint application for compromise that the dispute between the parties have been amicably settled, and the opposite party no. 2 has received in excess of Rs. 20 lakh, as full and final settlement for the claim.

A report was called for from the State, and in pursuance of such direction, today, a report has been filed by the Inspector of Police, Chinsurah Police Station, Chandannagar Police Commissionerate.

The report suggests that the opposite party no. 2 has received all the dues and he is not willing to proceed with this matter any further. It further suggests that the compromise between the petitioners and the opposite party no. 2 shall not hamper the trial of the other cases.

The disputes between the parties are private in nature, and the alleged offences are compoundable in nature.

It has been held by the Supreme Court in the case reported at **(2019) 5 SCC 688 (State of Madhya Pradesh -Vs- Laxmi Narayan)** as follows:-

“**15.**Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under [Section 482](#) of the Code to quash the criminal proceedings for the non-compoundable offences under [Section 320](#) of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

.....

15.5.While exercising the power under [Section 482](#) of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a

serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

In view of the judgement of the Supreme Court and having regard to the facts of the case, the application for compromise being **CRAN 1 of 2021** stands allowed.

The proceeding arising out of G.R. Case No. 1457 of 2019 under Sections 417/418/420/406/120B/506 of the Indian Penal Code, 1860, pending before the Court of the learned Chief Judicial Magistrate, Hooghly, stands quashed.

The revisional application being **C.R.R. 457 of 2021** and **C.R.A.N. 1 of 2021** are, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Kausik Chanda, J.)