

CRR 816 of 2020
(Through Video Conference)

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

And

In the matter of: Anupam Bhowmik

.... Petitioner

Mr. Supratick Syamal

... For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick

...For the State

Mr. Sandip Chakraborty

...For the Opposite Party No. 2

This is an application for quashing of proceeding in connection with All Women's P.S. Midnapore Case No. 01 of 2020 dated 4th January, 2020 under Section 376AB of the Indian Penal Code, 1860 and Section 6 of the POCSO Act, 2012 pending before the learned District and Sessions Judge at Midnapore, West Midnapore. The petitioner and the opposite party no. 2 jointly pray for quashing of the criminal proceedings.

This is a case where the petitioner is the accused person and his wife, the opposite party no. 2 is the de facto complainant. The victim girl is none other than their minor daughter (five-year-old).

Mr. Supratick Syamal, learned advocate, appearing for the petitioner submits that the allegations were levelled against the petitioner by the opposite party no. 2 in view of the prevailing enmity between them at the relevant point of time. He refers to a number of

Court proceedings that took place due to the matrimonial disputes between them to show that the opposite party no. 2 made such wild allegations out of a grudge against the petitioner.

Mr. Sandip Chakraborty, learned advocate, appears on behalf of the opposite party no. 2. Mr. Chakraborty submits that the matrimonial disputes between the parties have been amicably settled. Parties are now residing happily with their minor daughter.

Mr. Madhusudan Sur, appearing for the State produced in the case diary, in terms of the order passed by this Court on June 24, 2021.

I have gone through the case diary including the statements of the minor girl and the opposite party no. 2 recorded under Section 164 of the Code of Criminal Procedure.

The gravity of the offence is apparent from the case records. The crime of such heinous nature should not be allowed to be quashed, on the joint prayer of the parties. It is not a simple matrimonial case between the parties where the parties amicably decide to settle the dispute and pray to quash the proceedings.

The quashing of a proceeding on the basis of the prayer of the parties in exercising the inherent power of this Court depends on several factors. Most importantly, in case of a heinous offence, the proceeding should not be quashed on the basis of compromise between the parties. **[See: (2014) 6 SCC 466 (*Narinder Singh v. State of Punjab*) (Para-29.3)]**

In view of the gravity and nature of the alleged offences, this case cannot be quashed by way of compromise.

Accordingly, the revisional application being CRR 816 of 2020 is dismissed.

(Kausik Chanda, J.)