

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 726 of 2021

IA No: CRAN 1 of 2021

Bijoy Kumar Agarwal @ Bijay Kumar Agarwal & ors.
Vs.
State of W.B. & another

For the Petitioners : Mr. Kaustav Bagchi
: Mr. Sourav Mukherjee
: Mr. Debayan Ghosh

For the State : Mr. Madhusudan Sur, Ld. APP
: Mr. Dipankar Paramanick

For the O.P. No.2 : Mr. Aniruddha Bhattacharya

Heard on: 25th March, 2021

Judgment on : 25th March, 2021

The Court:

This is an application for quashing of a proceeding in which a charge sheet was submitted under Sections 418, 420 read with

Section 34 of the Indian Penal Code and Sections 63 and 69 of the Copyrights Act.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. The proceeding was initiated primarily on the grievance that certain movies were telecast in violation of provision of the Copyrights Act, among other things. In the course of the proceeding, a compromise and settlement was arrived at between the accused and the defacto-complainant/victim and a joint compromise application has been filed in this regard. This is purely a dispute of private nature. In view of such compromise, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the defacto-complainant/opposite party 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. Charges have not been framed yet in the present proceeding. In view of such compromise and taking into consideration the fact that the disputes are purely private in nature, the impugned proceeding ought to be quashed.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The disputes between the accused and the defacto-complainant/opposite party seem to be of a private

nature. If a compromise and settlement has been 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 defacto-complainant/opposite party and the State and have perused the revision petition, the joint compromise application and the case diary.

It appears that a compromise and settlement has indeed been arrived at between the defacto-complainant/victim and the accused in this case and the disputes in question also are private in nature.

In view of the same and in the interest of justice, I quash the impugned proceeding on the ground of compromise and settlement arrived at between the private parties.

With these observations, 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.)