

**CRR 858 of 2021
with
CRAN 1 of 2021
(Through Video Conference)**

In Re: - An application under Sections 397/401 read with Section
482 of the Code of Criminal Procedure, 1973
And

In the matter of: **Taha Digani @ Taha Dhirani @ Taha Degani & Anr.**
.... Petitioners

Mr. Moyukh Mukherjee,
Mr. Shakti Halder,
Mr. Sarthak Mondal
...For the Petitioners

Mr. Saswata Gopal Mukherji,
Mr. Madhusudan Sur,
Mr. Dipankar Pramanick
...For the State

Mr. Pritam Roy
...For the Opposite Party No. 2

This is an application for quashing of the proceeding being G.R.
Case No. 6594 of 2017 under Sections 347/323/ 363/365/ 384/
500/506/34 of the Indian Penal Code, 1860, pending before the
learned Judicial Magistrate, 5th Court, Barrackpore.

It has been submitted by the learned advocate for the
petitioners as well as the opposite party no. 2 that the disputes
between the parties have been amicably settled. By making a joint
application, they have prayed for quashing of the proceeding on the
ground of compromise.

Mr. Mukherjee, learned advocate appearing for the petitioner,
submits that when the parties have settled the disputes, and are not
willing to proceed with the case, continuation of the same will be a
futile exercise. He relies upon an unreported judgment of the

Supreme Court dated September 29, 2021, passed in Criminal Appeal No. 1488 of 2012. The law with regard to quashing a criminal case by compromise between the parties has been settled in a number of cases by the Hon'ble Supreme Court. Where the dispute is purely private in nature, having no wide impact on the society, the cases arising out of commercial dispute or matrimonial dispute can be quashed on the ground of compromise.

But in case of grave offences, the case cannot be quashed on the ground that settlement has been arrived at by the de-facto complainant/victim and the accused. The antecedent of the accused also has to be taken into account irrespective of nature of the offence involved.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor, appearing for the State submits that, the accused in this case is involved in other cases involving similar offence. He submits before this Court a memo of evidence in relation to NSCBI P.S. Case No. 09/11 dated February 4, 2011, under Section 363 of the Indian Penal Code, 1860 where the petitioner no. 1 is the accused. Mr. Mukherjee further submits that even after initiation of the present criminal case, another case being Airport P.S. Case No. 216/2018 dated December 24, 2018, under Section 364A of the Indian Penal Code, 1860, further adding Sections 384/326/ 307/120B/34 of the Indian Penal Code, 1860, was lodged against the petitioner and the charge sheet had also been submitted in that case.

Let the said two memos of evidence be kept with the record.

In view of the conduct of the accused persons and gravity of the alleged offence involved in this case, I am not inclined to allow this revisional application.

Accordingly, **CRR 858 of 2021** and **CRAN 1 of 2021** are dismissed.

(Kausik Chanda, J.)