

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1001 of 2017

CRAN 1 of 2019 (Old CRAN 3011 of 2019)

Sujit Kumar Ghosh & Ors.

Vs.

STATE OF WEST BENGAL & ANR.

For the Petitioners : Mr. Abhik Sarkar

For the O.P. : Mr. Biswajit Tiwari

For the State : Ms. Faria Hossain
Ms. Baisali Basu

Heard on : 07.10.2021

Judgment on : 07.10.2021

Jay Sengupta, J.:

This is an application for quashing of a proceeding under Sections 498A and 34 of the Penal Code in G.R. Case No. 105 of 2014 pending before the learned Additional Chief Judicial Magistrate,

Tehatta, Nadia on the ground of compromise and settlement arrived at between the private parties.

Report filed on behalf of the State containing, among other things, statements of the husband and the wife, is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the in-laws of the defacto complainant-opposite party. During pendency of the proceeding, at the intervention of common friends and family members, a compromise and settlement was arrived at between the accused and the defacto complainant of all disputes that had led to the initiation of the impugned proceeding. In fact, the couple has decided stay together and lead a happy conjugal life.

Learned counsel appearing on behalf of the defacto complainant-wife submits as follows. A compromise and settlement was arrived at between the private parties of all disputes that had led to the filing of the First Information Report. The two have decided to continue with their marital tie. They also have a minor child to take care of. A joint compromise application has also been filed in this regard.

Learned counsel appearing on behalf of the State relies on the case diary, the report filed by the State and fairly submits as follows. The State would not come in the way if a compromise and settlement

is arrived at between the private parties. No inquiry report is available in case diary.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition.

It appears that a settlement and compromise has indeed been arrived at between the accused and the defacto complainant of all disputes that had led together initiation to the criminal proceeding. The husband and wife have decided to bury the hatchet and stay together.

This is a fit case for quashing the proceeding on the ground of settlement in view of the decision of the Hon'ble Apex Court in Gian Singh vs. State of Punjab & Anr., (2012) 10 SCC 303.

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

Accordingly, the revisional application and the connected application are disposed of.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)