

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 1263 of 2018

Sudipta Mahadani & Ors.
Vs.
The State of West Bengal & Ors.

For the Petitioners	:	Mr. Raghunath Adhikary Ms. Tanaya Banerjee
For the State	:	Mr. Binay Panda Mr. Subham Bhakat Ms. Puspita Saha
For the de facto/complainant	:	Ms. Moumita Bhattacharjee
Heard on	:	2 nd December, 2021
Judgment on :	:	2 nd December, 2021

Jay Sengupta, J. :

This is an application seeking a quashing of a proceeding being G.R. Case No. 1325 of 2010 pending before the Learned Chief Judicial Magistrate, Serampore, Hooghly in which the charge-sheet was submitted under Section 406 and 498A read with Section 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the other in-laws of the opposite party no.2. The disputes that had led to the initiation of the impugned proceeding have all been settled between the private parties. In fact, the husband and the wife are staying together.

Learned counsel appearing on behalf of the victim/opposite party no.2 submits as follows. A compromise and settlement has indeed been arrived at between the accused and the de facto-complainant/victim. In view of the same the impugned proceeding may be quashed.

Learned counsel for the State relies on a skeleton case diary and submits as follows. It does not appear that any injury report was mentioned in the charge-sheet. The State would not come in the way if a settlement and compromise is arrived at between the accused and the victim.

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

It appears that a compromise and settlement has been arrived at between the private parties of all disputes that had led to the registration of the First Information Report.

It is submitted by the learned counsels of the private parties that the husband and wife are staying together.

This appears to be a fit case for quashing of proceeding on the ground of compromise and settlement in terms of the guidelines laid down by the Hon'ble Apex Court in Gain Singh Vs. State of Punjab and Another (2012) 10 SCC 303.

In view of the above and interest of justice, I quash the impugned proceeding on the ground of compromise and settlement arrived at between the accused and the victim.

With these observations, the revisional application is 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)

Tbsr