

Form No. J(2)

***IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION***

Present:

The Hon'ble Justice Jay Sengupta

**C.R.R. 1317 of 2020
(IA No: CRAN 1 of 2020)
(IA No: CRAN 2 of 2020)**

Animesh Dube

-vs-

The State of West Bengal & Anr.

For the Petitioner: Mr. Anil Kumar
Chattopadhyay

For the De facto complainant: Mr. Amarendra Nath Halder

For the State: Mr. B. Panda,
Ms. Puspita Saha

Heard on: 03.03.2021

Judgment on: 03.03.2021

Jay Sengupta, J.:

This is an application for quashing of an investigational proceeding under Sections 498A, 325 and 506 read with Section 34 of the Indian Penal.

Learned counsel appearing on behalf of the petitioner submits as follows. During pendency of the proceeding, a compromise and settlement has been arrived at between the accused and the defacto complainant/victim of all disputes that had led to the initiation of the impugned proceeding. A

joint comprise application had been filed in this regard. The couple have a minor daughter. They have decided to continue their marital ties and in fact, are leading a happy married life.

Learned counsel for the defacto complainant/victim submits as follows. A compromise and settlement has indeed been arrived at between the accused and the defacto complainant/victim of all disputes that had led to the registration of the First Information Report. The husband and wife are staying together and a joint comprise petition has accordingly been filed. In the interest of justice, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned counsel for the State relies on the Case Diary and submits as follows. There is no injury report available in the Case Diary to sustain the allegation under Section 325 of the Code. Section 34 of the Penal Code also seems to have been wrongly imputed because there is only one accused in this case. The State would not come in the way if the private parties decide to settle the dispute.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, the de-facto

complainant/victim 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 accused and the defacto complainant/victim of all disputes that had led to the initiation of the impugned proceeding. As submitted by the learned counsel for the State, it does not appear that a case is made out under Section 325 of the Penal Code.

In view of the above and in the interest of justice, I quash the impugned proceeding on the ground of compromise and settlement arrived at between the accused and the de-facto complainant/victim.

With these observations, the revisional application and the connected application being CRAN 1 of 2020 and CRAN 2 of 2020 are disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)