

CRR 1366 of 2021

with

CRAN 1 of 2021

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Mithun Sardar @ Mithun Sarder**

..... petitioner

Mr. Suman De

.....For the petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Pramanick

.....For the State

Mr. Parvej Anam

.....For the opposite party no. 2

This is an application for quashing on the joint prayer of the accused and the de-facto complainant.

A proceeding was initiated against the petitioner being G.R. Case No. 31 of 2021 arising out of Bhangore Police Station Case No. 438/2020 dated 31.12.2020 under Sections 195A/323/354/34 of the Indian Penal Code 1860, pending before the learned Additional Chief Judicial Magistrate at Baruipur.

Before this Court, it has been jointly submitted by the parties that a compromise has been arrived at between the parties, and the continuation of proceedings will be a miscarriage of justice.

It appears that the dispute between the parties are private in nature and do not have any serious impact on the society. The accused has no criminal antecedents.

In view of the nature of allegations involved in the case, I am of the opinion that when the parties have decided not to proceed with the prosecution further, there will be no justification in dragging the criminal case. In view of the paragraph 15.5 of

judgment reported at (2019) 5 SCC 688 (***State of Madhya Pradesh Vs. Laxmi Narayan & Ors.***) this case can be quashed by this Court in exercise of power under Section 482 of the Code of Criminal procedure, 1973.

The proceeding being G.R.Case No. 31 of 2021 arising out of Bhangore Police Station Case No. 438/2020, therefore, stands quashed.

(Kausik Chanda, J.)