

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1934 of 2021

With

CRAN 1 of 2021

Kaustav Biswas & Anr.

Versus

The State of West Bengal

For the petitioners : Mr. Pawan Kr. Gupta
Mr. Somesh Kumar Ghosh
Ms. Sofia Nesar
..... Advocates

For the State : Mr. Madhusudan Sur
Mr. Dipankar Paramanick
..... Advocates

For the Opposite Party No. 2. : Mr. Kaushik Chowdhury
..... Advocate

Heard on : 30.11.2021

Judgment on : 30.11.2021

Jay Sengupta, J.:

This is an application praying for quashing of the impugned proceeding under Sections 406, 498A read with Section 34 of the Indian Penal Code on the ground of compromise and settlement arrived at between the private parties.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. The petitioner no.1 is the husband and the petitioner no.2 is the mother in law of the defacto-complainant/opposite party no.2. In the course of the proceeding, a settlement and compromise was arrived at between the private parties of all disputes that had led to the registration of the First Information Report. In fact, a joint compromise application has been filed in this regard. In view of the same, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the defacto-complainant/opposite party no.2 submits as follows. The husband and wife have agreed to file for mutual divorce. The disputes between the parties that had led to the initiation of the impugned proceeding have indeed been settled and compromised between the victim and the accused.

Learned counsel appearing on behalf of the State files a copy of report prepared by the LASI, Burdwan Women Police Station and a letter of the defacto-complainant as well as the statement of the defaco-complainant recorded by the Investigating Officer. The same are taken on record. He relies on the case diary and submits as follows. Although the case was started under other penal provisions as well, the charge-sheet was submitted only under Sections 406, 498A read with Section 34 of the Indian Penal Code. However, during pendency of the proceeding, a compromise and settlement was arrived at between the private parties. The case diary does not contain any injury report. Learned counsel for the State submits that the State would not come in the way, if a compromise is arrived at between the private parties.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners, the defacto-complainant/victim and the State and have perused the revision, the case diary, the report and documents filed on behalf of the State.

It appears that a compromise and settlement has indeed been arrived at between the private parties of all disputes that had led to the initiation of the impugned proceeding.

This is a fit case to be quashed on the ground of compromise in terms of the decision of Hon'ble Apex Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303.

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 private parties.

With these observations, 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)