

25.06.2021

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Ct. 42

CRR 2126 of 2018

With

CRAN 1 of 2021

(Via Video Conference)

In the matter of:

**Sri Soumitra Majumder @ Soumitra Majumdar &
Ors.**

Vs.

State of West Bengal & Anr.

Mr. Kaushik Chatterjee

Mr. E. Bhattacharya

Mr. Oishik Chatterjee

...for the petitioners

Mr. Shankar Ranjan Sen

...for the opposite party

Mr. Saswata Gopal Mukherjee, Id. P.P.

Ms. Faria Hossain

Ms. Sujata Das

...for the State

In connection with the instant criminal revision under Section 482 read with Section 401 of the Code of Criminal Procedure, the petitioners and the private opposite party Nos. 1 to 4 have filed a joint petition of comprise stating, inter alia, that the dispute between the parties has been amicably settled and the proceeding pending before the learned trial Court bearing No.A.C.G.R. 6796 of 2016 arising out of Jadavpur P.S. Case No.649 dated 28th November, 2016 may be quashed.

It is ascertained from the petition as well as revisional application that Jadavpur P.S. Case No.649 dated 28th November, 2016 was registered under Sections 498A/406 / 34 of the Indian Penal Code. During pendency of the case the parties have amicably settled the dispute. In **Gian Singh versus State of Punjab and another** reported in **(2012) 10 SCC 303** it is observed by the Hon'ble Supreme Court in paragraph 61 as hereunder:-

“The position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plentitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of the case.”

The dispute under Section 498A/406 of the Indian Penal Code is a dispute of personal nature not involving any public policy. Therefore, under the inherent power and relying upon the principle laid down by the Supreme Court

in the referred report this Court can very well quash the proceeding with the matter is amicably settled.

In view of the above discussion, entire proceeding in ACGR case No. 6796 of 2016 arising out of Jadavpur P.S. Case No.649 dated 28th November, 2016 be quashed.

Let a copy of this order be sent to the learned Court below through the department for information and compliance.

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)