

13.09.2021

Item No.6
Ct.No.34
dc.

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

**C.R.R. 2861 of 2016
with
CRAN 7 of 2019 (Old No. CRAN 2048 of 2019)
(Via Video Conference)**

**Moloy Ghosh & Ors.
versus
The State of West Bengal & Anr.**

Mr. Ayan Basu,
Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. Sumit Routh ... For the Petitioners.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Pallab Mohan Chakraborti ... For the Opposite Party No.2.

The subject matter of this revisional application, which was a cause of worry, is matrimonial dispute in respect of charges so submitted by the police authorities in the charge-sheet under Section 307 of the Indian Penal Code.

I have perused the FIR. The primary allegation herein is incorporation of Section 307 of the Indian Penal Code in the charge-sheet. The allegation of the opposite party no.2 is that there were attempts of setting her on fire by pouring kerosene. No evidence to that effect was collected by the investigating agency and there was no injury also because of the alleged act which surfaced in course of the investigation.

A further statement, which was recorded by the Inspector-in-Charge of Serampore Police Station through a letter communicated by the opposite party no.2/*de facto* complainant as well as the charge-sheet witness no.1,

categorically states that the opposite party no.2 neither undergone any treatment nor she has any document in support of the contention regarding the alleged torture. The statement also reflects that both the petitioner no.1 (husband) and the opposite party no.2 (wife) are leading conjugal life and to that effect, they have also filed a joint compromise petition being CRAN 2048 of 2019 and prayed for quashing of the proceedings arising out of Serampore Police Station Case No. 170 of 2007 dated 11.09.2007 under Sections 498A/406/307/34 of the Indian Penal Code.

Ms. Debjani Sahu, learned advocate appearing for the State has submitted a report of Inspector-in-Charge of Serampore Police Station along with a communication addressed to the Inspector-in-Charge of Serampore Police Station by the opposite party no.2/*de facto* complainant. The said report dated 08.09.2021 be kept with the record.

I have considered the submissions advanced by both the parties as well as the report submitted by the State. Ordinarily, this Court does not interfere with the proceedings arising out of Section 307 of the Indian Penal Code where compromise has been effected, but having regard to the nature of allegation and the materials collected, this Court is of the view that the provision of Section 307 of the Indian Penal Code is not attracted in this case. Accordingly, the compromise effected between the parties by which the parties are presently leading conjugal life should not be disturbed.

Having regard to the larger social scenario, all further proceedings arising out of Serampore Police Station Case No. 170 of 2007 dated 11.09.2007 presently pending before the learned Additional Sessions Judge, 2nd Court, Serampore, Hooghly are hereby quashed.

The learned sessions Judge is directed to drop the proceedings in respect of the sessions case number or sessions trial number which has been subsequently registered.

In view of the aforesaid, the revisional application being CRR 2861 of 2016 and the application being CRAN 7 of 2019 (Old No. CRAN 2048 of 2019) are hereby allowed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)