

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1388 of 2020
with
CRAN 1 of 2021

SOMNATH BANERJEE
Vs.
STATE OF WEST BENGAL & ANR.

For the Petitioner	:	Mr. Debabrata Acharyya Mr. Sital Samanta Mr. Prabir Adhya
For the State	:	Mr. Saswata Gopal Mukherjee, Ld. P.P. Mr. Sudip Ghosh Mr. Bitasok Banerjee
For the Opposite Party No. 2	:	Mr. Abhishek Banerjee
Heard on:	:	4 th MARCH 2021
Judgment on :	:	4 th MARCH 2021

The Court:

This is an application seeking quashing of an investigational proceeding under Sections 376, 417, 420 and 506 of the Penal Code.

On the prayer of the learned counsel appearing on behalf of the petitioner, leave is granted to correct the cause title.

A report filed on behalf of the State incorporating a copy of the statement of the victim under Section 164 of the Code recorded on 20.02.2021 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The accused petitioner and the *de facto* complainant / opposite party were both married to their respective spouses while the prime allegation against the petitioner was about not keeping a promise to marry and entering into a relationship. During pendency of the proceeding, a settlement and compromise was arrived at between the private parties. In view of the same the impugned proceeding may be quashed on the ground of settlement and compromise.

Learned counsel appearing on behalf of the *de facto* complainant / *victim* submits as follows. A settlement and compromise has indeed been arrived at between the accused and the victim during the pendency of the proceeding and a joint compromise application has been filed in this regard. Both the parties have decided to lead their respective marital lives, leaving the impugned proceeding as withdrawn and / or quashed. In fact, the *de facto* complainant has got her statement recorded under Section 164 of the Code to this effect. In the interest of justice, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned Public Prosecutor submits that as per the statement of the victim recorded under Section 164 of the Code, she wanted to withdraw the case filed by her.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, the *de facto* complainant and the State and have

perused the revisional application, the joint compromise application, the case diary and the report filed on behalf of the State.

It appears that that the alleged victim is a major lady. Both the victim and the accused petitioner were married to their respective spouses. Therefore, this is a case where an adult married woman had alleged that the accused petitioner, who was also married to his respective spouse, entered into a relationship on the promise of marrying the victim lady. On such facts, it would have been difficult to sustain the prosecution case.

However, it further appears that subsequently, a settlement has been arrived at between the private parties.

On the above facts, it would be futile to continue with the prosecution.

In view of the above, I quash the impugned proceeding.

The revisional application and the connected application are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)