

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1392 of 2020

With

IA No: CRAN 1 of 2020

Sudipta Das

Vs.

State of W.B. & ors.

For the Petitioner : Mr. Banibrata Datta
: Mr. Aranya Saha

For the State : Mr. Saswata Gopal Mukherji, Ld.PP
: Ms. Sayanti Santra

For the O.P. : Mr. Pawan Kr. Gupta
: Ms. Sofia Nesar
: Mr. Santanu Sett

For the o.p. nos. 3 to 9 : Mr. Debashis Sarkar

Heard on: 4th March, 2021

Judgment on : 4th March, 2021

The Court:

This is an application for quashing of a proceeding in which a charge-sheet was submitted under Sections 406 and 498A read with Section 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the husband/petitioner submits as follows. During pendency of the proceeding, a compromise and settlement was arrived at between the private parties of all disputes that had led to the initiation of the impugned proceeding. However, initially, a joint compromise application was filed by the petitioner and the defacto-complainant/opposite party no.2. Subsequently, as per direction of this Court, the other accused in this case were also added as proforma respondents. They have also entered into a joint compromise application along with the defacto-complainant/victim. An application for mutual divorce between the petitioner and the opposite party no. 2 is pending before the learned civil court. In the interest of justice, the impugned proceeding may be quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the added opposite party nos. 3 to 9 files a Vakalatnama, which is taken on record. He submits that a compromise and settlement has indeed been arrived at between the private parties and joint

compromise applications to that effect have been filed in this regard.

Learned counsel appearing on behalf of the defacto-complainant/opposite party no.2 submits as follows. A compromise and settlement has indeed been arrived at between all the accused and the defacto-complainant/victim of all disputes that had led to the registration of the First Information Report. The couple decided to part ways and accordingly, an application for mutual divorce has also been filed, which is pending.

Learned counsel appearing on behalf of the State relies on the case diary and submits that the State would not come in the way if a compromise and settlement has arrived at between the accused and the victim.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, the State, the defacto-complainant/opposite party and the opposite party nos. 3 to 9 and have perused the revision petition, the joint compromise applications and the case diary.

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.

I find that this is an ideal case to be quashed on the ground of compromise and settlement in terms of the directions passed by the Hon'ble Apex Court in case of 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 accused and the victim.

With these observations, the revisional application and the connection application are disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)