

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1455 of 2020
(IA No: CRAN 1 of 2020)

Sitanshu Sekhar Mondal & Ors.
-vs-
The State of West Bengal & Anr.

For the Petitioner : Mr. D. Brahma

For the State : Mr. S. G. Mukherjee
Mr. A. Ganguly

For the Opposite Party No.2: Mr. S. Choudhury

Heard on: 12.02.2021

Judgment on: 12.02.2021

Jay Sengupta, J.:

This is an application for quashing of a proceeding in which a charge sheet was submitted under Sections 498A, 354, 377, 323, 313 & 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

A certified copy of an order-sheet containing the interim report of the mediator appointed by the learned trial court filed in Court is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. During pendency of the proceeding a compromise and settlement has been arrived at between the accused and the defacto complainant/victim of all disputes that had led to the impugned proceeding. The husband and wife decided to part ways amicably and a civil suit is pending on this. From the mediation report, it appears that the matter was settled between the parties and the report was placed before the learned trial court. A joint comprise application had been filed in this regard.

Learned counsel for the defacto complainant/victim submits as follows. A compromise and settlement has indeed been arrived at between the accused and the defacto complainant/victim and a joint comprise petition had been accordingly filed. In the interest of justice, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned counsel for the State submits as follows. There is no medical report available in the case diary to support the prosecution. The State would not come in the way if the disputes that had led to the registration of the first information report are settled between the private parties.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners, de-facto complainant/victim and the State and have perused the revision petition, the joint compromise petition, the certified copy of an order sheet filed in Court and the case diary.

It appears that a compromise and settlement has been arrived at between the accused and the defacto complainant/victim of all disputes that had led to the initiation of the impugned proceeding.

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 de-facto complainant/victim.

With these observations, the revisional application and the connected application being CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)

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