

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 1613 of 2020
with
CRAN 1 of 2020

MD Sabbu alias Md. Shabbu & Ors.
Vs.
State of West Bengal & Anr.

For the Petitioner : Mr. Rupraj Banerjee

For the opposite party No.2 : Mr. Soham De Dhara

For the State : Mr. S. G. Mukherjee, Ld. P.P.
Mr. Arijit Ganguli

Heard on: : 25th January 2021

Judgment on : : 25th January 2021

The Court:

This is an application for quashing of a proceeding in which charge sheet was submitted under section 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the in laws of opposite

party no. 2. During pendency of the proceeding a settlement and compromise has been arrived at between the accused/petitioners and the de facto complainant / opposite party of all disputes that had led to the registration of the F.I.R. A joint compromise application has been filed in this regard. The husband and wife have amicably decided to part ways. In view of the settlement arrived at, the impugned proceeding ought to be quashed.

Learned counsel appearing on behalf of the de fact complainant submits as follows. A compromise and settlement has indeed been arrived at between the private parties of all disputes that had led to the commencement of the impugned proceeding. It would be in the interest of justice that the impugned proceeding is quashed on the ground of compromise and settlement.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The State would not come in the way if the private parties decide to settle the disputes between themselves. The disputes appear to be purely private in nature.

I have heard the submissions of the learned advocates appearing on behalf of the parties and have perused the revision petition, the joint compromise application and the case diary.

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

I find that this is a fit case for quashing the proceeding on the ground of compromise and settlement in view of ratio laid down by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and Another, reported in (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 private parties.

With these observations, 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.)