

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:
The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1767 of 2020
CRAN 1 of 2020

Rahul Majumder
Vs.
The State of West Bengal & Anr.

For the Petitioner	:	Mr. Angshuman Chakraborty, Mr. Shashanka Shekhar Saha.
For the State	:	Mr. Saswata Gopal Mukherjee Ld PP, Ms. Sayanti Santra, Mr. Imran Ali.
For the Opposite Party No.2.	:	Mr. Prabir Majumder
Heard on	:	18.01.2021
Judgement delivered on	:	18.01.2021

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding in which a charge sheet was submitted under Sections 376 and 493 of the Penal Code and Section 6 of the Protection of Children from Sexual Offence Act.

Learned Counsel appearing on behalf of the petitioner submits as follows. The prime allegation against the petitioner was that although the petitioner and the de facto complainant had a physical relationship upon the petitioner's promise to marry her, the petitioner refused to marry her. At the time of alleged occurrence, the

petitioner was about 17 ½ years old. Subsequently, at the intervention of common friends, a compromise and settlement was arrived at between the accused and the de facto complainant/victim. The couple got married and are presently leading a happy conjugal life. In the interest of justice, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned Counsel appearing on behalf of the de facto complainant/victim submits as follows. A compromise and settlement has indeed been arrived at between the accused and the de facto complainant of all disputes that had led to the initiation of the impugned proceeding and a joint compromise application has been filed in this regard. The petitioner and the de facto complainant got married and are happily living together. In view of the above, the impugned proceeding ought to be quashed on the ground of compromise and settlement.

Learned Counsel appearing on behalf of the State files a report submitted by the Inspector-in-Charge of the Duttapukur Police Station on the question of compromise and settlement between the private parties and also relies on the case diary and, in his usual fairness, submits that the State would not come in the way if a compromise and settlement is arrived at between the private parties.

I have heard the submissions of the learned Counsels appearing on behalf of the accused/petitioner, the de facto complainant/victim and the State and have perused the revision petition, the joint compromise application, the case diary and the report furnished by the Inspector-in-Charge, Duttapukur Police Station.

The prime grievance of the victim that the petitioner was not marrying her has already been addressed. It appears that from the police report the couple got married and are leading a happy conjugal life at present. As such, it will be in the interest of justice that the two are allowed to continue to live in peace and happiness.

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 petitioner and the de facto complainant/opposite party.

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

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

(Jay Sengupta, J.)