

04.02.2021

Ct. No. 32

CRR 1768 of 2020
CRAN 1 of 2020

In the matter of:- Prasenjit Kundu & Anr.

...petitioners

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha.
...for the petitioners.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly.
....for the State.

Mr. Prabir Majumder.
...for the OP No.2.

This is an application for quashing of a proceeding in which a charge sheet was submitted under Sections 376, 417 and 506 of the Penal Code.

Supplementary affidavit filed on behalf of the petitioners is taken on record.

Learned Counsel appearing on behalf of the accused petitioners submits as follows. During the pendency of the proceeding a compromise and settlement has been arrived at between the parties of all disputes that had led to the initiation of the present proceeding and a joint compromise application has been filed in this regard. Earlier, the petitioner no.2 filed the criminal case against the present de facto complainant/opposite party being Barasat Police Station Case No.249 of 2020 dated 03.06.2020 and a complaint case being C 578 of 2020 pending before the learned Judicial Magistrate, Barasat, as would be apparent from the supplementary affidavit filed by the petitioners. The petitioners have undertaken to withdraw those cases or take steps to have them quashed after passing of the final order in this case.

Learned Counsel appearing on behalf of the de facto

complainant/opposite party no.2 submits as follows. A compromise and settlement has indeed been arrived at between the private parties and a joint compromise application has also been filed in this regard. The case was instituted as a result of mis-understanding between the parties, which have thereafter been resolved at the instance of common friends and relatives. 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 State relies on the case diary and submits as follows. A statement of the victim lady has been recorded under Section 164 of the Code where she has categorically stated about the settlement that has been arrived at between the private parties. The State would not come in the way if a compromise and settlement is arrived at between the accused and the victim.

I have heard the submissions of the learned Counsels appearing for the parties and have perused the revision petition, the supplementary affidavit, the joint compromise application and the case diary.

It appears that a settlement and compromise has indeed been arrived at between the accused and the victim and no fruitful purpose would be served if the proceeding is kept pending.

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 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.)