

25.03.2021
Item no.6
Ct. No.2
CHC

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Through Video Conference)**

**C.R.R. No.9 of 2020
IA No. C.R.A.N.1 of 2021
IA No. C.R.A.N.2 of 2021**

In Re:- An application under Sections 397, 401 read with
Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of:-

Alina Pradhan

.....petitioner

Mr. Anada Bhandari,
Mr. Urgen Lama

....for the petitioner in virtual mode

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Arun Sarkar

....for the State

Ms. Richa Lepcha

...for the o.p. no.2 in virtual mode

The instant revisional application is for quashing of proceeding being G.R. Case No.373 of 2019 under Sections 341/323/506 of the Indian Penal Code, now pending before the Learned Chief Judicial Magistrate, Darjeeling, on the ground of mutual settlement reached between the parties. A separate C.R.A.N. application is also taken out for the purpose supported by affidavit including the de facto complainant/victim of this case. The supplementary affidavit of the petitioner seeking quashment

is filed today in Court upon supplying a copy of the same to the learned advocate representing the State and the same be taken on record.

Learned for the State submits that the case is at the investigation stage and at this stage, prayer for compounding should not be considered.

Upon perusal of the C.R.A.N. application, it appears that the dispute between the parties has been settled amicably outside the Court forgetting differences in their respective opinion. The offence complained of is Magistrate triable and compoundable also without any permission of the Court. However, when the offence complained of has been compromised amicably outside the Court between the parties, the Court should not stand on the way irrespective of the status of the pending case at the moment. The G.R. Case No.373 of 2019 under Sections 341/323/506 of the Indian Penal Code, now pending before the Learned Chief Judicial Magistrate, Darjeeling, arising out of Pulbazar Police Station Case No.40 of 2019, dated 28.09.2019, stands quashed as against the petitioner involved in this revisional application.

By reason of the compromise reached between the parties, there lies nothing to be adjudicated further.

The revisional application and the connected C.R.A.N. application accordingly stand disposed of.

Let the application being C.R.A.N.2 of 2021 be treated as on day's list and in view of disposal of C.R.A.N.1 of 2021, the application being C.R.A.N.2 of 2021 also stands disposed of.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)