

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 37 of 2022

CRAN 1 of 2022

Rahul Jaiswal & Ors.

Vs.

State of West Bengal & Anr.

For the Petitioners : Mr. Satadru Lahiri
Mr. Safdar Azam

For the O.P. No. 2 : Mr. Sanat Kr. Das
Mr. Sujan Chatterjee

For the State : Mr. Saswata Gopal Mukherjee
Mr. Sandip Chakraborty

Heard on : 21.03.2022

Judgment on : 21.03.2022

Jay Sengupta, J.:

This is an application for quashing of a proceeding in G.R. Case No. 528 of 2021 under Sections 406, 498A and 34 of the Penal Code and Sections 3 and 4 of the Dowry Prohibition Act presently pending before the learned Chief Metropolitan Magistrate, Calcutta.

Learned counsel appearing on behalf of the accused petitioners submits as follows. The petitioners are the husband and the other in-laws who have been made an accused in this case while the opposite party no. 2 is the wife/de facto complainant. In the course of the proceeding, a settlement and compromise was arrived at between the private parties of all disputes that had led to the registration of the First Information Report. The couple in question decided to part ways.

Learned counsel appearing on behalf of the de facto complainant/opposite party no. 2 submits as follows. The opposite party no. 2 has settled the issue with the accused petitioners and does not want to continue the impugned proceeding. She has already entered into a joint compromise application to this effect and has also given statement to the police in terms of Section 161 of the Code. In view of the compromise and settlement arrived at between the private parties, the impugned proceeding may be quashed.

Learned counsel appearing on behalf of the State relies on the case diary and on a subsequent statement of the de facto complainant recorded by the investigating officer on 25.02.2022, which is taken on record, and submits as follows. It appears that in course of the impugned proceeding, a settlement was arrived at between the accused and the victim of all disputes that had led to the initiation of the present proceeding. There is no injury report available in the case

diary. 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 parties and have perused the revision petition, the joint compromise application, the case diary and the subsequent statement made by the victim lady under Section 161 of the Code.

It appears that a settlement has arrived at between the accused petitioners and the defacto complainant victim of all disputes that had led to the registration of First Information Report.

This is a fit case where the proceeding can be quashed on the ground of compromise in terms of the ratio laid down by the Hon'ble Apex Court in Gian Singh vs. State of Punjab & Anr., (2012) 10 SCC 303.

In view of the above, I quash the impugned proceeding on the ground of compromise and settlement arrived at between the private parties.

Accordingly, the revisional application and the connected application are disposed of.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)