

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 34 of 2021
With
CRAN 1 of 2021**

**Dulal Chandra Paul
Vs.
State of West Bengal and Anr.**

For the petitioner: Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

For the O. P.2 : Mr. Snehansu Majumder

For the State" Mr. S. G. Mukherjee, Ld. P.P.
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

Item No.01.

Heard & Judgment on: 01.07.2022

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

Background of G. R. Case No.1253 of 2019 arising out of Barjora Police Station Case No. 152 of 2019 is that the opposite party No.2 supplied eggs to the petitioner and a sum of rupees one crore fell due to the opposite party No.2. Over the said incident a dispute cropped up between them and a case under Sections 341/323/325/307/379/506/406/420/34 of the Indian Penal Code was registered against the petitioner. During the pendency of the case the petitioner was granted anticipatory bail on condition to deposit a sum of rupees twenty lakhs in the Court below. After getting anticipatory bail the petitioner approached the opposite party No.2 to settle the dispute and the dispute was settled by and between the parties.

Learned advocate for the opposite party No.2 and the learned advocate for the State have entered appearance. Learned advocate for the opposite party No.2 has also submitted that the dispute between the parties has been settled. Learned P.-in-charge has filed the police report wherefrom it is ascertained that the Investigating Officer of the case enquired into the matter and found that the dispute has been amicably settled between the O.P. No.2 and Dulal Chandra Paul, petitioner herein out of Court with the intervention of their friends and

well-wishers and he has received all his dues from Dulal Chandra Paul and he has no claim from Dulal Chandra Paul. The opposite party No.2 does not want to proceed with G. R. Case No.1253 of 2019.

It is found from the record that the charge sheet was submitted in the aforementioned case under Sections 341/325/307/506/406/420/34 of the Indian Penal Code. Section 307 of the Indian Penal Code is not compoundable.

However, I have gone through the case diary meticulously and I do not find any prima facie ingredient of offence under Section 307 of the Indian Penal Code. All other offences are compoundable in nature at the option of the de facto complainant.

When the de facto complainant does not want to proceed with the case, there is no impediment to drop G. R. Case No.1253 of 2019 on the ground of compounding the offence.

In view of the above discussion, the instant criminal revision is disposed of directing the trial Court to compound the offence and record an order of acquittal in favour of the petitioner.

Joint compromise petition be made part of this order.

Report submitted by the Investigating Officer also be kept with the record.

The instant revisional application and the connected application are disposed of.

(Bibek Chaudhuri, J.)