

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 339 of 2022

With

C.R.R. 2456 of 2021

Krishnendu Ghosh

Vs.

The State of West Bengal & Anr.

For the Petitioners : Mr. Sabir Ahmed,
Mr. Mujibar Ali Naskar.

For the State : Mr. Arijit Ganguly,
Ms. Manisha Sharma.

For the Opposite Party No:2 : Mr. Debasish Ray,
Mr. Sanjay Banerjee.

Heard on : 01.03.2022

Judgement on : 01.03.2022

Jay Sengupta, J. :

1. C.R.R. 339 of 2022 is an application filed by the husband/petitioner for quashing of a proceeding in which a charge sheet was submitted under Sections 406 and 498A of the Penal Code. The husband has also filed a

revisional application being CRR 2456 of 2021 challenging the cancellation of bail ordered by the learned Sessions Court.

2. Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the opposite party no.2. The opposite party no.2 had initiated the present proceeding. Before that, the husband/petitioner had filed a suit for divorce, which was subsequently converted into a proceeding under Section 13B of the Hindu Marriage Act. A compromise and settlement has been arrived at between the private parties of all disputes that had led to the initiation of the impugned proceeding. Although a joint compromise application was earlier filed being CRAN 1 of 2021 between the husband and the wife, subsequently an application being CRAN 2 of 2022 was filed by all the accused and the victim. In view of the settlement arrived at between the private parties, the impugned proceeding ought to be quashed on the ground of compromise and settlement.
3. Learned Counsel appearing on behalf of the State files a report containing a further statement of the victim lady recorded under Section 161 of the Code and the same is taken on record. Learned Counsel for the State relies on the case diary and submits that the State would not like to come in the way if a compromise and settlement is arrived at between the accused and the de-facto complainant. It appears that the dispute is purely of private nature.

In fact, from the statement of the victim lady recorded by the investigating officer, it further appears that a compromise and settlement has been arrived at between the accused and the victim lady.

4. Learned Counsel for the victim lady/de facto complainant submits as follows. A compromise and settlement has indeed been arrived at between the private parties. The application for mutual divorce is still pending. The opposite party no.2 has got back all the streedhan articles in the meantime. The private parties pray for quashing of the proceeding on the ground of settlement.
5. I have heard the submissions of the learned Counsels appearing on behalf of the petitioner, the State, the de facto complainant and the other accused in this case who are parties to the second connected application and have perused the revision petition, the joint compromise applications, the subsequent statement of the victim lady recorded by the investigating officer and the case diary.
6. It appears that a settlement and compromise has indeed been arrived at between the accused and the de facto complainant. Therefore, this is a fit case where a proceeding can be quashed on the ground of settlement as per the ratio laid down by the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab** reported in (2012) 10 SCC 303

7. In view of the above, I quash the impugned proceeding being GR Case No. 1319 of 2021 pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly on the ground of compromise and settlement arrived at between the private parties.
8. The parent revisional application being CRR 339 of 2022 and the connected applications being CRAN 1 of 2021 and CRAN 2 of 2022 are thus disposed of.
9. In view of this, the other revisional application being CRR 2456 of 2021 becomes infructuous. The same, accordingly, stands disposed of.
10. With these observations, the revisional application is disposed of.
11. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.
12. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Jay Sengupta, J.)