

16.08.2022
Item No.4.
Mithun
Ct.42

IA No: CRAN/1/2022, CRAN/2/2022
In
CRR 564 of 2022

Subhankar @ Sanku Chandra
Vs.
The State of West Bengal & Anr.

Mr. Pawan Kumar Gupta, Adv.
Ms. Sofia Nesar, Adv.
Mr. Santanu Sett, Adv.

...for the petitioner.

Mr. Rabi Prasad Shaw. Adv.

...for O.P.No.2.

Mr. T.D.Nandy, Adv.
Mr. Antarikha Basu, Adv.

...for the State.

CRAN 2 of 2022 is an application for recording joint compromise of the dispute between the parties. On the basis of a written complaint submitted by opposite party No.2/de-facto complainant, Barjora Police Station Case No.152 of 2019 dated 13th November, 2019 under Sections 341/323/325/307/379/506/34/420/406 of the Indian Penal Code corresponding to G.R. Case No.1253 of 2019 presently pending before the learned Chief Judicial Magistrate at Bankura was instituted.

Before filing of the charge-sheet and at the stage of investigation the parties had arrived at

settlement. The factum of such settlement was intimated to the Trial Court and the said fact appears in order dated 18th February, 2020 passed by the learned Chief Judicial Magistrate, Bankura. In spite of such amicable settlement, police submitted charge-sheet against the petitioner.

After filing of the charge-sheet, the accused/petitioner has filed the instant criminal revision praying for quashing of the entire proceeding in connection with the above-mentioned case on the ground of amicable settlement being arrived at by and between the parties.

The learned Advocate for the private opposite party is present. It is submitted by him that the opposite party No.2/de-facto complainant has received all his dues and he does not have any dispute at present with the petitioner. The de-facto complainant also made the same statement before the Investigating Officer which was recorded under Section 161 of the Code of Criminal Procedure. In spite of such settlement, the learned Chief Judicial Magistrate, Bankura took cognizance against the petitioner on the basis of the charge-sheet filed by the police.

This prompted the petitioner to file the instant petition.

I have heard the learned Advocates for the petitioner, opposite party No.2 and the learned Public Prosecutor-in-Charge.

Except offence under Section 307 of the Indian Penal Code, all other offences are compoundable in nature. With regard to the question as to whether an offence under Section 307 of the Indian Penal Code can be compounded exercising inherent power of this Court fell for consideration in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur & Ors. Vs. State of Gujarat & Anr.*** reported in ***(2017) 9 Supreme Court Cases 641***. It appears from the Case Diary as well as charge-sheet that the dispute is absolutely private in nature. The Court has every authority to quash the proceeding on settlement of the dispute because the offence complaint of does not any wider ramification involving any offence against the State.

For the reasons stated above and in view of the settlement arrived at by and between the parties, further proceeding in Barjora Police Station Case No.152 of 2019 dated 13th November, 2019 corresponding to G.R. Case No.1253 of 2019 be quashed.

The petitioner is at liberty to intimate the order passed by this Court obtaining server copy of the same. The learned Chief Judicial Magistrate is directed to act on a server copy of the order duly collected from the official website of this Hon'ble High Court, Calcutta.

(Bibek Chaudhuri, J.)