

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 803 of 2022

CRAN 1 of 2022

Jayanta Kundu @ Khokan

Vs.

The State of West Bengal & Anr.

For the Petitioner : Mr. Debangana Bhattacharjee,
Mr. Rajdeep Sinha,
Mr. Samayun Middya.

For the Opposite Party No:2 : Ms. Swarnali Saha.

Heard on : 15.03.2022

Judgement on : 15.03.2022

Jay Sengupta, J. :

1. This is an application seeking quashing of a proceeding in which a charge sheet was submitted under Section 306 of the Penal Code on the count of compromise and settlement arrived at between the accused and the de facto complainant/opposite party.

2. Learned Counsel appearing on behalf of the petitioner submits as follows.
The de facto complainant/opposite party no.2 was having a relationship with the victim deceased while the petitioner was the husband of the said victim deceased. On mere suspicion that the petitioner can be responsible for the suicidal death of the victim lady, the impugned proceeding was initiated by the opposite party no.2.. However, after a point of time that suspicion which had arisen in the mind of the opposite party no.2 went away and a compromise and settlement was arrived at between the private parties who decided to bury the hatchet.
3. Learned Counsel for the opposite party no.2 submits as follows. An FIR was lodged due to some misunderstanding between the private parties. The same are not there anymore. So, the opposite party no.2 prays for quashing of the proceeding on the ground of compromise and settlement.
4. I have heard the submissions of the learned Counsels appearing on behalf of the petitioner and the opposite party no.2 and have perused the revision petition.
5. An offence under Section 306 of the Penal Code is an offence against the State. It impacts the society at large. It is not for the private parties to settle such a dispute.

6. It may not be out of place to mention that unlike in certain other countries where customs like that of blood money is present, our country does not recognise any such provision.
7. It is quite evident from the decision of the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab*** reported in (2012) 10 SCC 303 that grave offences, especially those which are not of private nature, cannot be quashed on the ground of compromise and settlement.
8. Thus, the instant case does not fall within the category of cases that can possibly be quashed on the ground of compromise and settlement arrived at between the private parties.
9. Therefore, I do not find any merit in the application for quashing of proceeding. Accordingly, the same is dismissed.
10. There shall, however, be no order as to costs.
11. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)