

Form J(1)

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

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

**IA No.: CRAN/1/2022  
in  
CRR 947 of 2021**

**Smt. Shukla Acharya  
Vs.  
The State of West Bengal & Anr.**

**For the petitioner : Mr. Jaydeep Biswas, Adv.**

**For the State : Mr. Sudip Ghosh, Adv,  
Mr. Bitasok Banerjee, Adv.**

**For the opposite  
Party no. 2 : Mr. Partha Pratim Dutt, Adv.**

**Heard &  
Judgement on : 15.07.2022.**

**Bibek Chaudhuri, J.**

The petitioner and the private opposite party have filed a joint petition for compromise and prayed for quashing of the proceedings of G. R. Case No. 378/2021 pending before the Learned Additional Chief Judicial Magistrate at Sealdah arising out of Maniktala Police Station Case No. 20/2021 dated 12<sup>th</sup> February, 2021 under Sections 379/411 of the Indian Penal Code on the ground that an amicable settlement has been arrived at by and between the parties.

In G. R. Case No. 378/2021, charge-sheet was filed against the petitioner under Sections 379/411 of the Indian Penal Code. It is

submitted by the Learned Advocate for the petitioner that the petitioner was suffering from certain mental disease, viz., obsessive reumination and her treatment is going on in the Institute of Neuro Sciences. During the period of illness, such offence was committed. The private opposite party received back the stolen article and he has no grievance in the instant matter.

The question as to whether a case can be disposed of on a joint petition for compromise involving non-compoundable offence came up for consideration before the Hon'ble Supreme Court in ***Gian Singh – Vs.- State of Punjab & Anr.*** reported in **(2012) 10 SCC 303**. In paragraph 58 of the said judgment the Hon'ble Supreme Court observed as follows:-

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention

of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."

In view of such circumstances, the joint petition for compromise is accepted.

On the basis of the said joint petition for compromise, G. R. Case No. 378/2021 under Sections 379/411 of the Indian Penal Code arising out of Manikala Police Station Case No. 20/2021 dated 12.02.2021 presently pending before the Court of the Learned Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas be quashed.

The revisional is, thus, **disposed of**.

**(Bibek Chaudhuri, J.)**

**Srimanta, A.R.(Ct.)**  
**Item No. 2**