

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 1521 of 2022**

**Ranjana Sikhwal & Ors.
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Mr. Daanish Haque, Adv.,
Mr. Abdul Zahid, Adv.**

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

**For the opposite
Party no. 2 : Mr. Siddhartha Deb Roy, Adv.,
Md. Zohaib Rauf, Adv.**

**Heard &
Judgement on : 15.07.2022.**

Bibek Chaudhuri, J.

Predominantly due to family dispute G. R. Case No. 405/2018 under Section 420/467/468/471/120B of the Indian Penal Code was instituted by the petitioners against the opposite parties. During the pendency of the said proceeding the dispute between the parties were amicably settled. A deed of settlement was arrived at between the parties and it was duly executed by and between the parties. The

dispute relates to maintenance and management of one Guest House under the name and style of Rajasthan Guest House.

The question as to whether a criminal case instituted on a police report indicating commission of non-compoundable offences can be compounded or not came before the Hon'ble Supreme Court for consideration 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."

The same principle is subsequently followed in ***Narinder Singh & Ors -Vs.- State of Punjab & Anr.*** reported in **(2014) 6 SCC 466**, ***State of Madhya Pradesh -Vs.- Laxmi Narayan*** reported in **2019 (5) SCC 688** and ***Debraj -Vs.- State of Rajasthan High Court*** decided on by the Supreme Court on 19th February, 2022.

In view of the principle laid down by the Hon'ble Supreme Court, non-compoundable offences can be compounded by the High Court under the inherent power of this Court when the High Court finds that further contention of such proceeding will be a useless formality and in such case ends of justice shall be defeated.

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. 405/2018 under Sections 420/467/468/471/120B of the

Indian Penal Code arising out of Burrabazar Police Station Case No. 97/2018 dated 23.03.2018 presently pending before the 16th Court of the Learned Metropolitan Magistrate at Calcutta be quashed.

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

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 5