

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1578 of 2021
CRAN 1 of 2021

Shri Akash Agarwal & Ors.
-vs-

The State of West Bengal & Anr.

For the Petitioner : Mr. Pawan Kumar Gupta
Ms. Sofia Nesar

For the Opposite party No. 2 : Mr. Deepak Agarwal
Mr. Santanu Sett

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

Heard on : 01.02.2022

Judgment on : 01.02.2022

Jay Sengupta, J.:

This is an application seeking quashing of a proceeding in

ACGR Case No. 1005 of 2020 presently pending before the learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas in which a charge sheet was submitted under Sections 406, 498A, 120B of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

A copy of the further statement of the victim lady recorded by the investigating officer on 01.01.2022, as filed on behalf of the State, is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the other in-laws of the opposite party no. 2 / de facto complainant. During pendency of the impugned proceeding, a compromise and settlement was arrived at between the parties of all disputes that had led to the initiation of the impugned proceeding. A joint compromise application is filed in this regard. In view of this, impugned proceeding ought to be quashed on the ground of compromise and settlement.

The de facto complainant / opposite party refers to the joint compromise application and submits as follows. A compromise and settlement has indeed been arrived at between the accused and the victim. The de facto complainant has also given a further statement before the investigating agency in this

regard. In view of the settlement and compromise, the impugned proceeding ought to be quashed.

Learned counsel appearing on behalf of the State relies on the case diary and the further statement of the victim lady and submits as follows. It appears that a settlement and compromise has been arrived at between the private parties. The State would not come in the way if such compromise is arrived at between the accused and the victim as the disputes involved are purely matrimonial and private in nature.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, the de facto complainant and the State and have perused the revision petition, the joint compromise application and the further statement of the victim lady recorded by the investigating agency.

It appears that a compromise and settlement has indeed been arrived at between the private parties of all disputes that had led to the initiation of the impugned proceeding.

I find the present case to be an apt case where quashing can be effected on the ground of settlement between the private parties in terms of the decision of the Hon'ble Apex Court in *Gian Singh vs. State of Punjab and Anr*, (2012) 10 SCC 303.

In view of the above and in the interest of justice, I

quash the impugned proceeding on the ground of compromise and settlement arrived at between the accused and the victim/de facto complainant.

Accordingly, CRR 1578 of 2021 and CRAN 1 of 2021 are disposed of.

Urgent Photostat certified copies of this order may be delivered to the learned advocates for the parties, if applied for, upon compliance of all requisite formalities.

(Jay Sengupta, J.)