

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1977 of 2021

With

CRAN 1 of 2021

Sanket Barick & Ors.

Vs.

The State of West Bengal & Anr.

For the Petitioners : Mr. Ivan Roy

For the O.P. No. 2 : Mr. Partha Sarathi Das

For the State : Mr. Saswata Gopal Mukherjee
Mr. Imran Ali
Ms. Debjani Sahu

Heard on : 03.03.2022

Judgment on : 03.03.2022

Jay Sengupta, J.:

This is an application for quashing of a proceeding being G.R. case No. 4136 of 2018 pending before the learned Additional Chief Judicial Magistrate,

Barrackpore, North 24 Parganas in which charge sheet was submitted under sections 498A, 406 and read with section 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners are the husband and the in-laws of the de facto complainant / opposite party no. 2. During pendency of the proceeding, a compromise and settlement has been arrived at between the private parties of all disputes that had led to the registration of the F.I.R. and a joint compromise application has been filed in this regard. Stridhan articles were also returned to the wife. An application for mutual divorce has been filed by the parties before the learned Civil Court. In view of the settlement arrived at between the parties, the impugned proceeding ought to be quashed.

Learned counsel appearing on behalf of the State relies on the case diary and files a copy of the subsequent statement of the victim lady recorded on 21.02.2022 by the investigating agency. The same is taken on record. He submits as follows. This is a case where charge sheet was submitted only against the husband. However, pursuant to an application made by the wife a direction was passed to further investigate the offences. From the statement of the victim lady it appears that a settlement has indeed been arrived at between the parties. There is no injury report regarding any physical assault suffered by the victim. The State would not come in the way if a compromise and settlement is arrived at between the private parties.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner, the State and the opposite party no. 2 and have perused the revision petition, the case diary and the subsequent statement of the victim girl recorded under Section 161 of the Code.

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 present proceeding.

In my view, this is a fit case for quashing of the impugned proceeding on the ground of settlement as per the ratio laid down by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab reported in (2012)10 SCC 303*.

In view of the above, I quash the impugned proceeding on the ground of settlement arrived at between the private parties.

With these observations, the revisional application, along with the connected application, is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta,J.)

AB