

Form J(1)

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

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

**CRR 2425 of 2021
With
CRAN 1 of 2021
Biplab Bhattacharya and Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Uday Sankar Chattopadhyay
Mr. Pronay Basak
...for the petitioners

Ms. Trisha Rakshit
...for the respondent No.2

Mr. Swapan Banerjee
Ms. Purnima Ghosh
...for the State

Item No.01

Heard & Judgment on: 10.08.2022

Bibek Chaudhuri, J.

In the instant revision, the petitioners being the husband and other matrimonial relations of the private opposite party No.2/de facto complainant have prayed for quashing of the charge sheet submitted in G.R. Case No.3659 of 2013 arising out of Burdwan Police Station Case No.1441 of 2013 dated 3rd December, 2013 under Sections 498A/307/34 of the Indian Penal Code and Section 313 of the Indian Penal Code presently pending before the learned Chief Judicial Magistrate, Burdwan.

It is submitted by both the petitioners and the opposite party No.2 by filing an application being CRAN 1 of 2021 that Burdwan Police Station Case No.1441 of 2013 was registered on the basis of a complaint filed by the opposite party No.2 against the petitioners under Sections 498A/307/34/313 of the Indian Penal Code.

During the pendency of the investigation of the case, the dispute between the parties has been amicably settled. Therefore, the de facto complainant does not want to proceed with the case against the petitioners.

The Investigating Officer was directed to record a statement of de facto complainant to ascertain as to whether there was really a out of Court's settlement in respect of the

dispute or not. The Investigating Officer has recorded a statement of the de facto complainant, on perusal of which this Court finds that the petitioner No.1 being the husband of the opposite party No.2 has settled the dispute between them and they were residing together as husband and wife. In their wedlock the opposite party No.2 gave birth to twin babies. They are presently leading their conjugal life happily.

It is needless to say that the Hon'ble Supreme Court in **Gian Singh versus State of Punjab and Another** reported in **(2012) 10 SCC 303** unequivocally held that the High Court under its inherent power can even record compromise of a non-compoundable case. The aforesaid decision is subsequently followed by the Apex Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.** reported in **(2017) 9 Supreme Court Cases 641**. It is clearly held by the Hon'ble Supreme Court that a criminal case instituted on the basis of a matrimonial discord may be settled by this Court under its inherent power under Section 482 of the Code of Criminal Procedure.

In view of such circumstances, this Court accepts out of Court's settlement of the dispute between the parties. In view of

such submission, all further proceedings in G.R. Case No.3659 of 2013 arising out of Burdwan Police Station Case No.1441 of 2013 dated 3rd December, 2013 under Sections 498A/307/34/313 of the Indian Penal Code be quashed.

The instant revision and the connected application are disposed of.

The parties are at liberty to act upon the server copy of this order.

The police report be kept with the record.

(Bibek Chaudhuri, J.)