

22.09.2022
Item no.1.
Court No.35.
I.T

**C.R.R 2860 of 2015
With
CRAN 15 of 2022**

**Smt. Sunita Srivastave
-Vs.-
The State of West Bengal & Anr.**

Mr. Milon Mukherjee, Sr. Adv.
Mr. Rahul Ganguly

.....For the Petitioner

Mr. Arnab Chatterjee,
Mr. Dhanasree Biswas.

..... For the O.P. No.2

Mr. Prasun Dutta,
Mr. Subrato Roy.

..... For the State

The petitioner filed the present case with her prayer for quashing of the proceeding in GR Case No.4036 of 2015 pending in the trial court, which arose in connection of Belur Police Station Case No.153/2015 dated 30.09.2015 under Section 3 (i) (x) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Today parties have moved their unanimous prayer made in CRAN 15 of 2022, that is, the parties in the instance case have mutually come to a settlement of their disputes and they seek this court's intervention by exercising power under Section 482 Cr.P.C, 1973, and an appropriate order in that regard. It is

submitted that continuing with the present proceeding would not serve any fruitful purpose.

Heard the parties.

A three Judges bench of the Hon'ble Supreme Court has once considered this question of espousal and applicability of the inherent power of this court under Section 482 of Cr.P.C, 1973, to quash any criminal proceeding involving non-compoundable offences. The case is reported in (2012) 10 SCC 303 (Gian Singh vs. State of Punjab & Anr.). The Hon'ble court has been pleased to hold that such power of this court may be exercised when the parties have come to a settlement in a non-compoundable offences/case, however, after considering the facts and circumstances of the case in hand, particularly that the offences are or not of private nature and having or not any impacts on the society at large.

Following the ratio of the same, it is found that in the particular facts and circumstances of the present case, which says about alleged commission of non-compoundable offence, and when parties have mutually agreed to settle their dispute, an order of this court, in exercise of its inherent power quashing the proceedings in the trial court, shall not otherwise be adversely impactful for the society. Hence this case may be disposed of by an order, as sought for.

Accordingly, it is ordered, that, the criminal proceeding being GR Case No.4036 of 2015, pending before the court of the Learned Chief Judicial Magistrate, Howrah, arising out of

Belur Police Station Case No.153/2015 dated 30.09.2015 under Section 3 (i)(x) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, is quashed.

The criminal revision No.2860 of 2015 and connected application/s if any, is disposed of.

Urgent photostat Certified Copy of this order, if applied for, be given to the parties, on priority basis.

(Rai Chattopadhyay, J.)