

Form J(1)

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

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

CRR 3695 of 2022

**Sk. Bablu & Anr.
Vs.
The State of West Bengal & Ors.**

For the petitioner : Mr. Amit Ranjan Pati, Adv.

**For the opposite
Party nos. 2 & 3 : Ms. Afreen Begum, Adv.**

Judgement on : 14.11.2022.

Bibek Chaudhuri, J.

The petitioners are the accused persons in connection with the Kotwali Police Station Case No. 463/2012 dated 14th August, 2012 corresponding to GR Case No. 2534/2012 (Sessions Case No. 126/April/2021) for the offence punishable under Sections 363/366/323/34 of the Indian Penal Code.

Ms. Afreen Begum, Learned Advocate has entered appearance on behalf of the opposite party nos. 2 and 3. Opposite party no. 2 is the *de facto* complainant.

It is submitted on behalf of the petitioners that on the basis of a written complaint submitted by the opposite party no. 2 on the allegation that his minor daughter was eloped and kidnapped illegally

for the purpose of marriage or illicit intercourse by the petitioners. It is also alleged that the *de facto* complainant was assaulted by the petitioners when he was searching for his missing daughter.

It is submitted on behalf of the petitioner that marriage of the opposite party no. 3/alleged victim and the petitioner no. 2 was held sometimes in 2015. They are now leading their conjugal life happily and peacefully. The opposite party no. 3 gave birth to two children.

It is also submitted by the Learned Advocate for the opposite party no. 2 on instruction that the opposite party no. 2 has no grievance against the petitioners at the relevant point of time.

However, the Trial Court is not in a position to drop the aforesaid criminal case recording compromise between the parties as the offence under Sections 363/366 of the Indian Penal Code is not compoundable.

In *Parbat Bhai Ahir –Vs.- State of Gujarat* reported in (2018) 1 SCC (Cri) 1, the Hon'ble Supreme Court laid down the broad principles which emerge from the precedents relating to exercise of inherent power by invoking of the jurisdiction of the High Court to quash an FIR or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim. It is held by the Apex Court in the aforementioned decision that while the inherent power of the Court has a wide ambit and plentitude, it has to be exercised (i) to secure ends of justice, or (ii) to prevent and abuse of the process of law. It is also stated that the High Court may quash the criminal proceeding if in view of the compromise between the parties, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.

In the instant case, in view of the settlement arrived at by and between the parties, continuation of the criminal case will not only be against the interest of the petitioners and especially the opposite party no. 3 who is leading a happy conjugal life with the petitioner no. 2, but also a futile exercise of judicial process by the Trial Court without possibly any fruitful result.

In view of such circumstances and bearing in mind the principles laid down by the Apex Court, I am inclined to allow the instant revision.

Accordingly, further proceedings in respect of GR Case No. 2534/2012 arising out of Kotwali Police Station Case No. 463/2012 dated 14th August, 2012 under Sections 363/366/323/34 of the Indian Penal Code presently pending before the Learned Sessions Judge, Paschim Medinipore be quashed.

Parties are at liberty to act on the server copy of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the Learned Advocates for the parties on the usual undertakings.

(Bibek Chaudhuri, J.)