

15.05.2023

Item No.16
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1635 of 2023

with

CRAN 1 of 2023

Kamalesh Majumder and others

versus

State of West Bengal and another

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Sandipan Ganguly,
Ms. Manaswita Mukherjee,
Ms. Priyanka Sarkar ... For the Petitioners.

Mr. Prasun Kumar Datta,
Ms. Manisha Sharma ... For the State.

Mr. Milon Mukherjee,
Mr. Aritra Bhattacharya ... For the Opposite Party No.2.

The present application was preferred challenging the continuance of the proceedings in respect of Hare Street Police Station Case No. 48 of 2019 dated 13.02.2019 under Sections 341/324/506/114 of the Indian Penal Code and the charge-sheet filed therein before the learned Chief Metropolitan Magistrate, Calcutta.

The present petitioners before this Court are 1. Kamalesh Majumder, 2. Sanjay Ray Karmakar, 3. Tanmay Ghosh, 4. Suresh Roy and 5. Saibal Ghosh who have been implicated as accused.

It was contended at the time of hearing of the present revisional application that there is another counter-case being Hare Street Police Station Case No. 49 of 2019 dated 13.02.2019 which is also pending before the learned Chief Metropolitan Magistrate, Calcutta. Subsequently, both the matters were taken up together. During the pendency of both

the revisional applications, the parties entered into compromise/amicable settlement at the intervention of the associates, staff, friends and well-wishers of the organisation. Consequently the complainant and the accused in both the cases being Hare Street Police Station Case No. 48 of 2019 dated 13.02.2019 and Hare Street Police Station Case No. 49 of 2019 dated 13.02.2019 decided not to proceed against each other in a court of law so far as the criminal proceedings are concerned. The offences complained of in the charge-sheet are under Sections 341/324/506/114 of the Indian Penal Code.

I have considered the nature of the complaint and the injuries available therein and on an appreciation of the same, I am of the view that as the parties have entered into a compromise, further continuation of the proceedings may result in miscarriage of justice as the chance of conviction is bleak. Consequently, all further proceedings relating to Hare Street Police Station Case No. 48 of 2019 dated 13.02.2019 (corresponding to G.R. Case No. 190 of 2019) pending before the learned Chief Metropolitan Magistrate, Calcutta so far as the present petitioners are concerned are hereby quashed.

The revisional application being CRR 1635 of 2023 along with CRAN 1 of 2023 is, thus, allowed.

Other pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)