

10.02.2023

Item No.6
Ct.No.34
dc.

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

**C.R.R. 1445 of 2021
with
CRAN 1 of 2023**

**Aloke Kumar Chakraborty @ Alok Kr. Chakraborty
versus
State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

Mr. Samim Ahammed,
Mr. Arka Maity,
Mr. Danish Abbasi ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata ... For the State.

Mr. Jayanta Narayan Chatterjee,
Mr. Suprem Naskar ... For the Opposite Party No.2.

A joint compromise application has been filed at the instance of the de facto complainant as well as the accused/petitioner and it has been submitted that both of them have amicably settled the disputes and differences. To that effect, the report submitted by SDPO, Habra has enclosed a communication made to him by Dr. Indramohan Mandal and a communication of the present petitioner, Aloke Kumar Chakraborty.

The report so submitted on behalf of the State be kept on record.

The genesis of the case related to a particular word used in a Whatsapp chat wherein the complainant felt that he was insulted and the same was in the manner of an offence being committed under the SC & ST (Prevention of Atrocities) Act.

Having considered the background in which the present case being Habra Police Station Case No. 590 of 2020 dated 19.11.2020 was initiated and the relationship between the accused/petitioner and the complainant who were working at the same college and were friends/acquaintance both as professional colleagues as well as in the social media, I am of the opinion that the subsequent change in the background of the allegation made in the complaint should be taken into consideration before the proceedings are allowed to progress further.

The changed circumstance makes the chances of conviction in the present case bleak. As such, all further proceedings arising out of Habra Police Station Case No. 590 of 2020 dated 19.11.2020, subsequently registered with the Special Court as Spl. 11/2020 under Sections 3(1)(x) of the SC & ST (Prevention of Atrocities) Act read with Section 67 of the Information and Technology Act, pending before the learned Additional Sessions Judge, 1st Court, Barasat is hereby quashed.

The revisional application being CRR 1445 of 2021 along with CRAN 1 of 2023 is, thus, allowed.

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.)