

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay.

**CRR 1234 of 2013
with
CRAN 2 of 2023
with
CRAN 3 of 2023**

**Sachidananda Panda
Vs.
The State of West Bengal & Anr.**

For the petitioner : Mr. Kaushik Biswas

For the State : Mr. N. P. Agarwal
Mr. Pratick Bose

For the Opposite Party No.2 : Mr. Tarique Quasimuddin
Ms. Sanchita Chaudhuri

Heard on : 08.02.2023

Judgement on : 26.04.2023

ANANYA BANDYOPADHYAY, J.:

1. The instant revisional application under Section 482 read with Section 401 of the Criminal Procedure Code has been filed to quash the proceedings being G.R. Case No. 144 of 2011 arising out of Bowbazar P.S. Case No. 308, dated 16.06.2008 being G.R. Case No. 2242 of 2008 under Section 403/406/419/420

of the Indian Penal Code pending before the Court of the Learned Metropolitan Magistrate, 3rd Court, Calcutta.

2. The Learned Advocate Mr. Kaushik Biswas appearing for the Petitioners submit that a complaint was filed by the opposite party no. 2 herein resulting in the registration of Bowbazar Police Station Case No. 308/2008 dated 16.06.2008 being GR Case No. 2242/2008 under Sections 403/406/419/420 of the Indian Penal Code. At the end of the investigation the charge sheet was submitted on 19.11.2009. The Learned Advocate for the petitioners further state that the instant criminal revision has been filed to set aside the order dated 20.12.2012 passed by the Learned Additional District and Sessions Judge, 9th First Track Court, City Sessions Court, Bichar Bhawan, Kolkata rejecting the discharge petition. It was further submitted during pendency of the instant application, a compromise had been effectuated between the petitioner and the opposite party no. 2 being the defacto complainant. Consequently a terms of settlement dated 12.01.2023 has been executed between the aforesaid parties. It was contended the disputes being personal in nature devoid of involvement of public policy to be affected the instant criminal revisional application may be allowed and the proceeding pending before the Trial Court be quashed.

3. The Learned Advocate appearing on behalf of Opposite Party No. 2 concedes to the submission of the Learned Advocate for the petitioners stating that the opposite party no. 2 has

affirmed the contents of the aforesaid terms of settlement dated 12.01.2023 and also the affidavit dated 02.02.2023. The Opposite Party No. 2 doesn't desire to pursue the case further against the petitioners on the basis of the amicable settlement of the disputes between the parties.

4. The Learned Advocate for the State submits that the dispute having been settled between the parties the State has no objection if the present petition is allowed on the event of unwillingness of the parties to pursue the case any further.
5. Perusal of the materials on record including the complaint and the terms of settlement, the dispute between the parties appeared to be private in nature without the invocation of any public policy in repugnance. Further in accordance to the terms of settlement dated 01.02.2023 the property involved in the instant matter was gifted to the Opposite Party No. 2 by the wife of the petitioner to conclude the disputation.
6. Relying on the observation of the **Hon'ble Supreme Court in Gian Singh Vs. State of Punjab and Another¹, Parbatbhai Aahir Alias Parbatbhai Bhimsinghbhai Karmur and Others Vs. State of Gujrat and Another² and Madan Mohan Abbot Vs. State of Punjab³**, the criminal proceedings in the instant case can be quashed on the basis of a compromise between the parties where the disputes are personal in nature inclusive of private disputants without public interest being affected.

¹ (2012) 10 SCC 303

² (2017) 9 SCC 641

³ (2008) CRI. L. J. 2243

7. Therefore, the instant criminal revisional application if allowed to be continued will result in unnecessary consumption of Court hours without yielding justified result.
8. In view of the compromise as aforesaid, G.R. Case No. 144 of 2011 arising out of Bowbazar p.s. Case No. 308, dated 16.06.2008 being G.R. Case No. 2242 of 2008 under Section 403/406/419/420 of the Indian Penal Code pending before the Court of the Learned Metropolitan Magistrate, 3rd Court, Calcutta is quashed.
9. Both the parties shall approbate the aforesaid terms of settlement dated 12.01.2023 and 01.02.2023 and shall remain bound by the same.
10. This criminal revision application being CRR 1234 of 2013 is allowed along with CRAN 2 of 2023 and CRAN 3 of 2023 are disposed of.
11. There is no order as to cost.
12. Let the copy of this judgment be sent to the learned trial court as well as the police station concerned for necessary information and compliance.
13. All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

(ANANYA BANDYOPADHYAY, J.)