

Form J(1)

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

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

**IA No:CRAN/1/2022
In
C.R.R. 4154 of 2022**

***Sri Bidhan Samanta @ Bidhan Chandra Samanta
Vs.
The State of West Bengal & Anr.***

**For the petitioner : Mr. Sudipto Maitra, Sr. Adv.
Mr. Vijay Verma, Adv.
Mr. Dwaipayan Biswas, Adv.**

**For the O.P. : Mr. Pawan Kumar Gupta, Adv.
Ms. Sofia Nesar, Adv.
Mr. Santanu Sett, Adv.
Mr. Abhijit Bose, Adv.**

**For the State : Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Saryati Datta, Adv.**

Heard on : 16.01.2023

Judgment On : 16.01.2023.

Bibek Chaudhuri, J.

Dasnagar Police Station Case No.70 of 2022 was registered on 22nd June, 2022 under Sections 376/511/506 of the Indian Penal Code on the basis of a written complaint submitted by the opposite party No.2. Police submitted charge-sheet in the aforesaid case on 28th July, 2022 under the aforesaid penal provision along with Section

354A of the Indian Penal Code. The case was registered as G.R. Case No.3068 of 2022 pending before the learned Chief Judicial Magistrate at Howrah.

The instant revision was filed for quashing of the aforementioned charge-sheet. During pendency of the instant revision, the parties have filed a joint application for settlement of the dispute out of the Court. After receiving such application, the Investigating Officer was directed to record the statement of the de-facto complainant to ascertain as to whether such settlement was done by coercion or undue influence or threat. The Investigating Officer has recorded a statement which has been submitted by the learned Public Prosecutor-in-Charge. On perusal of the statement, it is ascertained that the dispute has been amicably settled by and between the parties and such settlement was free and voluntary.

Apart from the above circumstances, I have perused the FIR submitted by the opposite party No.2. On careful perusal of the FIR, I do not find prima facie ingredient of offence under Sections 376/511 of the Indian Penal Code. With regard to the offence under Section 354A of the Indian Penal Code, this Court records that when the parties have settled a dispute amicably, Court should welcome such settlement for disposal of a criminal proceeding. Accordingly, the joint application for settlement is accepted and on the basis of such

settlement, G.R. Case No. 3608 of 2022 pending before the learned Chief Judicial Magistrate at Howrah be treated as quashed.

The learned Chief Judicial Magistrate, Howrah is directed to pass formal order on the strength of the instant order.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.6.
D/L.***