

20.02.2023

**IA No: CRAN/1/2022, CRAN/2/2023
In
CRR/4539/2022**

**Anil Kumar Agarwal & Ors.
Vs.
State of West Bengal & Anr.-**

For the petitioner: Mr. Somopriyo Chowdhury, Adv.,
Mr. Dipanjan Dan, Adv.

For the opposite party No.2:

Mr. Rajesh Upadhyay, Adv.
Mr. Avishek Bhandari, Adv.
Mrs. Surabita Biswas, Adv.,

For the State: Ms. Anasuya Sinha, Adv.,
Mr. Pinak Kr. Mitra, Adv.

For the Intervenor/Husband:

Mr. Krishnendu Bhattacharya, Adv.,
Mr. Priyankar Ganguly, Adv.

The petitioners have filed the instant revision under Section 482 of the Code of Criminal Procedure praying for quashing of proceedings in CGR 3536 of 2020 pending before the learned Chief Judicial Magistrate, Alipore under Section 341/324/380/427/34 of the IPC arising out of Ballygunge Police Station Case No.159 of 2020.

During the pendency of the instant revision the petitioners and the opposite party No.2/defacto complainant have lodged a joint petition for compromise stating, inter alia, that the dispute between the parties has been amicably settled and the opposite party No.2 does not want to proceed with the above mentioned criminal case and she has no objection if the said criminal case is quashed.

This court on receipt of such application directed the Investigating Officer to submit a report after

ascertaining the fact as to whether the petitioner wants to settle the dispute out of court voluntarily and without any threat, coercion or undue influence. The Investigating Officer has recorded a statement of the defacto complainant. On perusal of the said statement, it is ascertained that the defacto complaint voluntarily wants to settle the dispute against the petitioners out of court.

One Gourav Gaba, husband of the opposite party No.2 has filed an intervening application in the instant proceeding which is registered as CRAN 2 of 2023 alleging, inter alia, that the opposite party No.2 has been maintaining illicit relation with one Ankur Jindal who happens to be the estranged husband of accused No.5 Neha Jindal. The opposite party No.2 in order to achieve her malicious object to continue her adulterous life with Ankur Jindal has filed the joint compromise application in connivance with the accused persons.

Having heard the learned Advocates for the parties and on careful perusal of the material on record it is ascertained that the intervenor/applicant has approached this Court with some allegations against his wife which is not subject matter of the instant case. However, this Court is of the view that the question as to whether the present petitioners are to be discharged from the case or not can be effectively adjudicated upon by the learned Magistrate at the time of consideration of charge.

Therefore, the instant revision is disposed of directing both the complainant, accused persons and intervenor/applicant to make necessary application before the learned Magistrate praying for appropriate order at the time of consideration of charge by the court below.

If the learned Magistrate finds that in view of the compromise, continuation of criminal case would be a futile exercise, he is at liberty to discharge the accused persons.

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

(Bibek Chaudhuri, J.)