

4.8.2023
ct.236,
sl no.28
sk

C.R.R. 3893 of 2012
CRAN 1/2012, CRAN 2/2023

In the matter of : Suman De

Mr. Sandipan Ganguly
Mr. Somopriyo Chowdhury
Mr. Arunabha Deb
Ms. Ashika Daga
...for the Applicant No. 1.
Mr. Ujjal Ray
...for the O.P. No.2.

Mr. Ranabir Roy Chowdhury
...for the State.

Affidavit of service filed by the applicant no.
1 is taken on record.

This application under Section 397/401 of the Code of Criminal Procedure read with Section 482 of the Code of Criminal Procedure was filed on 26th November, 2012 challenging the order dated 12th November, 2012 passed by learned Chief Judicial Magistrate, 24-Parganas(South) in Case No. C-7291/2012 directing thereby Gariahat Police Station to register F.I.R. under Section 156(3) of the Code of Criminal Procedure and to quash the proceeding of Gariahat Police Station Case No. 540/2012 dated 17th November, 2012 under Section 354/509 of the I.P.C. read with Sections 66A/67A of the Information Technology Act, 2000

pending before the learned Chief Judicial Magistrate, 24-Parganas(South) at Alipore.

Heard Mr. Ganguly, learned senior counsel for the petitioner and Mr. Ujjal Ray, learned counsel for the defacto complainant, who happens to be the victim and Mr. Roy Chowdhury, learned counsel for the State.

The provision of Section 66A of the Information Technology Act cannot be pressed into service as the same has been struck off by the order of the Hon'ble Apex Court; before the inclusion of amended provision of Section 67A, this case was registered. So the provision of Section 67A of the Information Technology Act is also not applicable in this case. Section 509 of the Indian Penal Code is an offence compoundable in nature. Since the parties have settled their disputes amicably out of court, I do not find any reason to stand in the way only because of the provision of Section 354 of the Indian Penal Code is not compoundable.

When the parties have settled their dispute invoking the jurisdiction conferred under Section 482 of the Code of Criminal Procedure I am inclined to quash the proceeding in C.G.R. Case No. 582 of 2012 corresponding to Gariahat Police Station Case No. 7291 dated 17th November, 2012

pending before the learned Chief Judicial Magistrate, 24- Parganas (South) at Alipore.

This revisional application is thus, disposed of.

Certified copy of the order, if applied for, be given to parties upon usual compliance of rules.

(Siddhartha Roy Chowdhury J.)