

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

(Criminal Revisional Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 170 of 2022

With

CRAN 1 of 2022

With

CRAN 2 of 2023

Sushila Sah @ Shah & Anr.

Vs.

State of West Bengal & Anr.

For the Petitioners

: Ms. Rima Sarkar.
Ms. Sidhi Sethia.

For the State

: Mr. Aditi Shankar Chakraborty,
: Mr. Abhijit Sarkar.

**For the De facto Complainant/
Opposite Party no. 2**

: Mr. Sudip Kr. Paul.

Hearing concluded on

: 09.10.2023

Judgment on

: 10.10.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of the FIR vide FIR no. 466 of 2022 dated 14.05.2022 and proceeding initiated against the petitioners by the de facto complainant in connection with Special G.R. Case No. 17 of 2022 pending before the learned Additional District and Session Judge, 1st Court (Special Court) at Darjeeling arising out of Siliguri P.S. Case No. 466 of 2022 dated 14.05.2022 under Section 3(1)(r) and 3(1)(s) of Schedule Caste and Schedule Tribe (POA) Act, 1989.
2. The petitioners state that the opposite party no. 2/ de facto complainant filed a written complaint against the petitioner stating therein, that the de facto complainant started working in the school of the petitioners since last two months and from the first day of her joining, the de facto complainant had to face verbal abuse and humiliation every time and her salary was deducted on one or other pretext. On 14.05.2022, the petitioner no. 2 had called the de facto complainant in her office room and in front of school staff and other outsiders had used abusive language against her and stated that the petitioners have kept her out of sympathy and by paying her salary, the petitioners do a favour to the de facto complainant and told her to get out stating that she is a low class person and by doing so the petitioners have lowered the entire Schedule Caste Community.

CRAN 2 of 2023

3. CRAN 2 of 2023 is a joint application on affidavit preferred by the parties in this case stating that an amicable settlement has been arrived at between the parties. It is submitted that the opposite party no. 2/ de facto complainant has no grievance against the petitioners and is not willing to proceed further in the present case. It is further submitted that thus, continuing with the proceedings will be an abuse of process of law. Accordingly, it is prayed that the proceedings in the present case be quashed in the interest of justice.
4. The learned counsel for the petitioner has relied upon the judgment in ***Ramawatar vs State of Madhya Pradesh*** reported in ***AIR 2021 SC 5228***, wherein the Supreme Court categorically held:-

“16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its power to quash the proceedings. On similar lines, when considering a prayer of quashing on the basis of compromise/settlement, if the Court is satisfied that the underlying objection of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a ‘special statute’ would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Code of Criminal Procedure.”

5. In the present case, it is clear that dispute is private in nature and the parties have now resolved their entire dispute by way of a compromise/settlement on affidavit and as such the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice could be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the complainant. (As in the words of the Supreme Court in **Gian Singh Vs. State of Punjab and Another**, reported in **(2012) 10 SCC 303**).
6. As such this court is of the view that it would be unfair and contrary to the interest of justice to continue with the criminal proceedings which would tantamount to abuse of process of law in view of the settlement arrived at between the parties in respect of their dispute and to secure the ends of justice it would be prudent to quash the proceedings in the case as prayed for.
7. Keeping in mind the proposition as laid down by the Hon'ble Supreme Court in **Ramawatar vs State of Madhya Pradesh (Supra)** and **Gian Singh Vs. State of Punjab and Another (Supra)** and also the settlement arrived at by and between the parties, there is no impediment to quash the instant proceedings.
8. **The revisional application being CRR 170 of 2022 is allowed.**
9. Accordingly, Special G.R. Case No. 17 of 2022 pending before the learned Additional District and Session Judge, 1st Court (Special Court) at

Darjeeling arising out of Siliguri P.S. Case No. 466 of 2022 dated 14.05.2022 under Section 3(1)(r) and 3(1)(s) of Schedule Caste and Schedule Tribe (POA) Act, 1989 **is hereby quashed.**

- 10.** All connected applications, if any, stand disposed of.
- 11.** Interim order, if any, stands vacated.
- 12.** Copy of this judgment be sent to the learned Trial Court for necessary compliance.
- 13.** Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)