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2024
Ct. No. 237

C.R.R. 1634 of 2022
Anil Kumar Ghosh
Vs.
State of West Bengal & Anr.

Mr. Somnath Banerjee
Mr. Prosenjit Roy

...For the Petitioner

Ms. Faria Hossain
Mr. Anand Keshari

...For the State

Mr. Chittapriya Ghosh
Ms. Aiswariya Gupta

...For the Opposite Party No. 2

IA No. CRAN 9 of 2024

Petitioner filed the present application with a prayer for quashing of Spl. (A) Case No. 03 of 2020 in connection with the Suri Police Station Case No. 342 of 2020 dated 5th December, 2020 pending before the learned Special Judge under SC/ST Act, Additional District Judge, 1st Court, Suri, Birbhum.

The grievance of the petitioner in the main application is that the dispute between the parties is purely civil in nature and even on perusal of the contents of allegation it does not attract Sections mentioned in the said application. Moreover, no Provision under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has got any application in the present context.

However, during pendency of the suit, parties have amicably settled their dispute and they have filed a joint petition of compromise, being IA No. CRAN 9 of 2024 and in the said application, the de facto complainant contended that there were certain property dispute by and between the parties and since the applicant No. 1 in terms of the order

passed in the Title Suit No. 04 of 2012 handed over the peaceful possession of the land in favour of the opposite party No. 2, the applicant No. 2 / de facto complainant do not wish to proceed with the aforesaid proceeding before the Court below.

It is further submitted by the de facto complainant that the de facto complainant and his witnesses do not want to adduce evidence in support of the allegations leveled in the complaint, in terms of settlement made amicably.

Learned Counsel appearing on behalf of the State submits when the parties have amicably settled their private disputes, he leaves the matter to the discretion of the Court.

Having considered the facts and circumstances of the case and that the parties have amicably settled their dispute in terms of the order passed by the Civil court, the continuance of present proceeding any further will be an abuse of process of the Court. There is hardly any chance of conviction at the end of trial, as the de facto complainant decided not to adduce evidence in support of the prosecution case.

In such view of the matter, the instant proceeding, being Spl. (A) Case No. 03 of 2020 in connection with the Suri Police Station Case No. 342 of 2020 dated 5th December, 2020 pending before the learned Special Judge under SC/ST Act, Additional District Judge, 1st Court, Suri, Birbhum is hereby quashed.

The application, being C.R.R. 1634 of 2022 and connected

application, being IA No. CRAN 9 of 2024 are accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)