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09.08
2024
Ct. No.
237.

C.R.R. 3085 of 2022
In
IA.No. CRAN 4 of 2024
Sumit Goel
Vs.
State of West Bengal & Anr.
with
C.R.R. 3084 of 2022
In
IA.No. CRAN 1 of 2023
CRAN 2 of 2024
Pawan Goel@ Kewal Goel @ Kewal Krishnan
Vs.
State of West Bengal & Anr.
with
C.R.R. 2924 of 2022
In
IA.No. CRAN 1 of 2023
with
Madan Gopal Goel & Anr.
Vs.
State of West Bengal & Anr.

Mr. Moyukh Mukherjee,
Mr. Rishav Dutt,
Md. Danish Taslim,
Mr. Amar Kataruka,

.... For the petitioners.

Mr. Debasish Roy,
Mr. Saryati Datta,
Mr. Debanik Das,

....For the State in CRR 3085 of 2022.

Mr. Debasish Roy,
Mr. Arijit Ganguly,
Ms. Puspita Saha,

....For the State in CRR 3084 of 2022.

Mr. Debasish Roy,
Mr. Arijit Ganguly,
Ms. Trisha Rakshit

....For the State in CRR 2924 of 2022.

The present application has been preferred seeking quashing of the impugned proceeding arising out of M.P. Case No. 18 of 2021dated 06.03.2021 in connection with Bidhanagar Women

Police Station Case No. 08/21 dated 13.03.2021 under Section 354/354B/509/307/323/325/506/34 of the Indian Penal Code which is presently pending before the learned Chief Judicial Magistrate, Bidhannagar, North 24-parganas.

The main allegation ventilated in the present application is that the aforesaid case is the outcome of second FIR registered in connection with self-same allegation violating the statutory mandate that there cannot be second FIR nor there can be investigation for the second time in respect of the same cognizable offence or same occurrence. Moreover, even if allegations made in the body of the complaint is taken at their face value, it does not constitute the offences as alleged against the petitioner.

However, learned Counsel appearing on behalf of the petitioner and opposite party no.2 submits that the parties have amicably settled their dispute out of Court and for which opposite party filed connected applications.

Learned counsel representing state submits when parties have settled their private disputes, state does not want to stand in their way and he leaves the issue for the discretion of court.

On perusal of the said application it appears that the opposite party no.2/victim have stated on oath that with the intervention of the family members and other respected persons they have mutually compromised the issue and settled the matter for the sake of family members and themselves and accordingly learned Counsel appearing on behalf of the opposite party no.2 submits that the victim or her witnesses do not want to adduce evidence in support of the prosecution case.

Having considered the facts and circumstances of the case and that the parties have amicably settled their dispute and that the victim has decided that she and her witnesses will not depose in support of allegations leveled in the FIR, chances of an ultimate conviction is bleak. It is quite understandable what would happen to the trial of the case where on behalf of wife it is stated that she does not support the imputations made in the FIR in view of settlement. In such eventuality I think it would not be proper to decline to exercise power of quashing only on the ground that some of the alleged offence are non-compoundable offence. I find continuance of the present proceeding any further will be abuse of process of the Court.

In such view of the matter C.R.R. 3085 of 2022 in CRAN 4 of 2024 with CRR 3084 of 2022 in CRAN 1 of 2023 with CRR 2924 of 2022 in CRAN 1 of 2024 is allowed.

The criminal proceeding arising out of M.P. Case No. 18 of 2021 dated 06.03.2021 arising out of Bidhannagar Women Police Station Case No. 08/21 dated 13th March, 2021 is hereby quashed. The accused persons are discharged from the bail bonds.

Urgent Photostat certified copy, if applied for be given to the parties upon compliance of all legal formalities.

(Ajoy Kumar Mukherjee, J.)