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14.8.2024
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**CRR 284 of 2023
CRAN 4 of 2024
With
CRR 173 of 2024
CRAN 1 of 2024**

Saurav Bhardwaj @ Sharma @ Bhordwaj & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Avrojoyti Das
Mr. Rajdeep Das ...for the petitioners

Mr. Arijit Ghosh
Ms. Swarnali Ghosh
Ms. Angana Rakshit
Ms. Rikta Sarkar ...for the O.P. no. 2

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas ...for the State in
CRR 284 of 2023

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjeefor the State in
CRR 173 of 2024

**Re: CRR 284 of 2023
CRAN 4 of 2024
With
CRR 173 of 2024
CRAN 1 of 2024**

The petitioners herein preferred this application for quashing
of the proceeding being Birpara Police Station case no. 192 of
2022 dated 16.12.2022 under Sections 498A/354/307 of the

Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act, 1961 being GR case no. 2772 of 2022 presently pending before the learned Additional Chief Judicial Magistrate at Alipurduar and also another connected FIR being Bhaktinagar PS case No. 45 of 20023 dated 18.01.2023 under Section 341/325/354/509/506/34 of Indian Penal Code being G.R case No. 274 of 2023, presently pending before learned Judicial Magistrate, 1st Court Jalpaiguri initiated by same defacto-complainant.

The allegation leveled against the petitioners herein in the first information report in the earlier criminal proceeding is that the petitioner no. 1 was married with the defacto-complainant according to the Hindu Rites and Customs. After marriage, the petitioner no. 1 inflicted mental and physical torture upon the complainant/opposite party no. 2 and also the petitioners had threatened her with dire consequences and for which aforesaid Birpara Police Station case no. 192 of 2022 was initiated. After completion of investigation, police submitted charge sheet under the above mentioned sections.

So far as the second criminal proceeding is concerned, defacto-complainant alleged in the first information report that on 14.01.2023, while defacto-complainant was going through Sevak road, the accused persons/petitioners caught hold of defacto-complainant, they thrashed the informant, abused her with filthy

languages and threatened her for withdrawal of earlier case. On receipt of such information, aforesaid Bhaktinagar Police Station case No. 45 of 2023 was started.

However, by filing the present applications being CRAN 4 of 2024 and CRAN 1 of 2024 in the said two respective proceedings both the defacto-complainant and the petitioners herein submit that the parties have amicably settled their disputes and the defacto-complainant does not want to proceed further with the aforesaid two criminal proceedings. It is further submitted by learned counsel appearing on behalf of the opposite party no. 2/ defacto-complainant that the defacto-complainant and her witnesses will not depose before the court in support of the allegations levelled in the first information report in view of amicable settlement arrived at by and between the parties. Accordingly, both the parties have submitted before this court that an appropriate order may be passed quashing both the proceedings.

Learned counsel for the State submits that the State has no objection if the parties have amicably settled their family dispute and by doing that if they want to lead a peaceful life in future.

In view of aforesaid facts and circumstances of the case, it is clearly noticeable that there is no reasonable likelihood of the petitioners/accused persons being convicted of the offence. Therefore, nothing would happen to the trial of the case, where

the wife/defacto-complainant does not want to support the imputation made in either of the two first information reports. Defacto-complainant by swearing affidavit stated that *“whatever happened was in the spur of the moment and due to some misunderstanding which was cropped up as a result of marital dispute and thereafter first information report was registered in both the cases at her instances. However all disputes have been sorted out and settled amicably by and between the parties and any further judicial proceeding over this issue will not serve any fruitful purpose”*.

In such eventuality, there would be almost no chance of conviction and there is no reason to reject the prayer for quashing only on the ground that it would be permitting the parties to compound non-compoundable offences. In various judgments Apex Court highlighted criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused persons and such an exercise therefore, should be discouraged.

In such view of the matter both the criminal proceedings being Birpara police Station case No. 192 of 2022 dated 16.12.2022 corresponding to G.R case no. 2772 of 2022 presently pending before learned Additional Chief Judicial Magistrate, Alipurduar and also the criminal proceeding being Bhaktinagar police station case no. 45 of 2023 dated 18.01.2023

corresponding to G.R case no. 274 of 2023 pending before learned Judicial Magistrate, 1st court, Jalpaiguri are hereby quashed.

CRR 284 of 2023 along with connected application being CRAN 4 of 2024 and CRR 173 of 2024 along with CRAN 1 of 2024 are thus allowed.

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

(Ajoy Kumar Mukherjee, J.)