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

**CRR 212 of 2024
CRAN 1 of 2024**

Tapas Paul & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Swarup Das	...for the petitioners
Mr. Deborshi Dhar	...for the O.P. no. 2
Mr. Aditi Shankar Chakraborty, Ld. APP Mr. Ujjwal Luksom	...for the State

This is an application wherein the petitioners have prayed for quashing of the proceeding being GR case no. 2428 of 2023 presently pending before the learned Judicial Magistrate, 2nd Court, Cooch Behar.

It is submitted by the petitioners that the opposite party no. 2 herein on 26th December, 2023 registered a complaint alleging commission of offence under Sections 448/325/307/379/506/34 of the Indian Penal Code against the petitioners herein alleging inter alia that the accused persons have assaulted him with iron rod with an intention to kill him and when the other persons came to the spot to rescue him, the accused persons also

assaulted them physically and also snatched away Rs. 3600/-. On the basis of the said complain investigation started and after completion of investigation, police submitted charge sheet under Sections 348/323/506/34 of the Indian Penal Code.

The petitioners now submit that during pendency of the present criminal proceeding, the parties have amicably settled their dispute and both the defacto-complainant/opposite party no. 2 and the petitioners/accused persons have filed joint compromise petition being CRAN 1 of 2024. It is further submitted that most of the offences mentioned in the charge sheet are compoundable and the present proceeding may be quashed as the complainants witnesses mentioned in the charge sheet will not depose in support of prosecution case.

Learned counsel for the State submits that the parties have amicably settled their dispute and State does not want to stand in their way.

Since the parties have amicably settled their dispute and prosecution witnesses do not want to adduce evidence in support of prosecution case, it would be unjust, if the petitioners are still forced to go through the tribulations of a trial. In ***Madhavrao Jiwajirao Scindia and others Vs. Sambhajirao Chandrojirao Angre & Ors.***, reported in (1989) 1 SCC 692, it was held that while exercising inherent power of quashing under Section 482, it is for the High Court to take into consideration any special features which appear in a particular case to consider whether it is

expedient and in the interest of justice to permit a prosecution to continue. In the present case, in the opinion of this Court, chances of an ultimate conviction of the petitioners is bleak for the reasons stated above and therefore no useful purpose is likely to be served by allowing a criminal prosecution to continue. Considering all these and further taking into consideration of special fact of the case that the parties decided that they will not prosecute each other, the proceeding is liable to be quashed.

In such view of the matter, CRR 212 of 2024 is allowed. Connected application being CRAN 1 of 2024 is also disposed of.

Let all further proceedings being GR case no. 2428 of 2023 arising out of Pundabari Police Station case no. 901 of 2023 dated 26.12.2023 presently pending before the learned Judicial Magistrate, 2nd Court, Cooch Behar is hereby quashed.

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.)