

20.03.2025
rc/ct.no.34
Item No.12

**CRR No. 163 of 2024
with
CRAN No. 1 of 2024
and
CRAN No. 2 of 2025**

In the matter of : Sila Bhol & Ors.

.....Petitioners

Mr. Kallol Mondal
Mr. Krishna Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Akbar Laskar

...for the Petitioners

Mr. Manas Kumar Das
Mr. Asraf Mandal

...for the O.P.

Mr. Tanmoy Kumar Ghosh
Mr. Suman De
Mr. Anindya Sundar Chatterjee

...for the State

Report submitted by the State is taken on record.

It appears from the report that the dispute has been amicably settled and the private opposite party/defacto complainant does not intend to proceed with the matter any further.

Placing reliance on the authority in Gian Singh Vs. State of Punjab and Another reported in (2012) 10 SCC 303, learned counsel for the State submits that since the offence is under Section 376 of the Indian Penal Code and involves mental depravity of the accused, the matter cannot be settled amicably though the victims/victim's family and the offender have settled the dispute.

The written complaint lodged by the victim/private opposite party demonstrates that there was a long standing consensual relationship between the 4th petitioner and the private opposite party, both of whom are majors. The relationship turned sour which led to the present complaint.

In the authority referred to above, the Hon'ble Supreme Court has observed that the High Court must have due regard to the nature and gravity of the crime and heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. which have a serious impact on the society and is not private in nature cannot be quashed even though the matter is settled between the victim/her family and the offender.

The case in hand can be distinguished from the law laid down in the said judgment since the parties had a consensual relationship and were aware of the consequences thereof. It was only upon their relationship turning sour that the present complaint was filed. The offence alleged cannot be equated with serious offences like murder, rape, dacoity or other offences of mental depravity. Herein, the alleged wrong is to the victim/private opposite party who has settled the dispute on her own volition.

It is trite law that inherent jurisdiction under Section 482 of the Code of Criminal Procedure can be exercised to prevent abuse of the process of the Court and to secure the ends of justice.

In view of the above, this Court is inclined to hold that since the defacto complainant/ private opposite party does not intend to

proceed with the matter any further, allowing the matter to proceed further shall only be a futile exercise.

The revisional application being CRR No. 163 of 2024 is allowed.

G.R.Case No. 600 of 2023 pending before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas be quashed.

The petitioners be set at liberty at once and discharged from their bail bonds.

Consequently the connected applications being CRAN No. 1 of 2024 and CRAN No. 2 of 2025 are disposed of.

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

(Suvra Ghosh,J)