

111. 21.03
Saikat 2025
Ct. No. 237

C.R.R. 2366 of 2023
with
CRAN/1/2023

Sreyan Mitra @ Sreyon Mitra and Anr.
Vs.
The State of West Bengal & Anr.

Mr. Pinak Kumar Mitra, Adv.
Ms. Subhanwita Ghosh, Adv.
Ms. Sananda Bhattacharjee, Adv.

...For the Petitioner.

Ms. Pallavi Pain, Adv.

...For the Opposite Party No.2.

Mr. Madhusudan Sur, A.P.P.
Mr. Dipankar Paramanick, Adv.

...For the State.

In Re: CRAN/1/2023

1. The copy of the statement recorded under section 164 of the Code of Criminal Procedure filed by the State is taken on record.
2. The money receipt dated 13th February, 2025 filed by the learned counsel for the petitioners is taken on record.
3. This application for joint compromise has arisen with CRR No.2366 of 2023 wherein the petitioners/accused have prayed for quashing the entire proceeding being Gariahat Police Station Case No.164 of 2022 dated 20th August, 2022 under section 304A of the Indian Penal Code, 1860 and corresponding to C.G.R. No.2463 of 2022, presently pending before learned Chief Judicial Magistrate, Alipore.
4. The allegation in the F.I.R. was that the husband of the opposite party No.2/de facto complainant was an employee at

the petrol pump owned by the petitioners. The said husband of the complainant suffered an accident due to electrocution at the petrol pump of the petitioner. After completion of investigation police submitted charge-sheet under section 304A of the Indian Penal Code against the present petitioners who are the owners of the petrol pump.

5. During pendency of the suit the parties have amicably settled their dispute and accordingly they moved before this Court on 3rd October, 2024 when this Court was pleased to direct the State to record the statement of the private opposite party/complainant under section 164 of the Code of Criminal Procedure with regard to the mutual settlement arrived at between the parties and to submit a report to that effect by the next date. Accordingly the statement of the de facto complainant was recorded by learned Magistrate on 5th November, 2024 wherein the de facto complainant has stated that the dispute has been amicably settled between the parties and it has been agreed that the petitioners would pay Rs.1,15,000/- instantly and after quashing the proceeding they would pay the rest amount of Rs.1,15,000/-.
6. Today learned counsel appearing on behalf of the private opposite party submits that they have received the entire amount of Rs.2,30,000/- and they do not want to proceed further with the present application.
7. The petitioners in support of their prayer for quashing the proceeding have relied upon the judgment of ***Rajan vs. Joseph & Ors., (2015) 8 SCC 436*** and also the judgment

passed in ***Jacob Mathew vs. State of Punjab & Anr., (2005) 6 SCC 1*** and ***Monaben Ketanbhai Shah & Anr. vs. State of Gujarat & Ors., (2004) 7 SCC 15*** and another unreported judgment passed in ***Sunil Malhotra & Anr. vs. The State NCT of Delhi & Anr.***

8. Having heard the learned counsels on behalf of the petitioners, State and also the learned counsel appearing for the private opposite party through virtual mode, it appears that the parties have amicably settled their dispute and the opposite parties have also received the compensation as prayed by them and in such view of the matter there is hardly any chance of conviction at the end of trial and in such circumstances, I find that further continuation of the present proceeding or allowing the parties to go for a facade trial would be a mere abuse of process of the court. In such view of the matter, CRR No.2366 of 2023 along with CRAN/1/2023 stands allowed.
9. In view of the above findings, the impugned proceeding being Gariahat Police Station Case No.164 of 2022 dated 20th August, 2022 under section 304A of the Indian Penal Code, 1860 and corresponding to C.G.R. No.2463 of 2022, presently pending before learned Chief Judicial Magistrate, Alipore, is hereby quashed.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)

