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2025
Ct. No. 29

In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

C.R.R. 3086 of 2025
With
IA No. CRAN 1 of 2025
Sri Dhananjay Sao @ Saw & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Dipanjan Chatterjee
Ms. Rimpa Adhikari
Ms. Kakan Das

...For the Petitioners

Mr. Suman De
Mr. Sujan Chatterjee

...For the State

Ms. Piyali Shaw

...For the Opposite Party

This is an application wherein both the petitioners and the private opposite party have prayed for quashing of the impugned proceeding.

Learned counsel for the state leaves the matter to the discretion of court in view of amicable settlement made by the parties.

The allegation leveled against the petitioners is under Section 351(2)/69 of the BNS read with Section 3/10 of the SC and ST (prevention of Atrocities) Act, 1989. Having gone through the complaint, it appears that the complaint itself does not disclose any offence under SC and ST (Prevention of Atrocities) Act. It is submitted that the dispute between the petitioner no. 1, 2 and 3 and the opposite party No. 2/complainant has been amicably settled and the opposite party No. 2 does not want to prosecute the instant criminal case against either of the petitioners. She further stated that the compromise arrived at by and between the parties is voluntary in nature. I am told by learned counsel for opposite party no. 2/de-facto complainant that she is also

present in Court today and she also expressed her desire not to pursue the case. She further stated in the affidavit that the proceeding against petitioners may be quashed. The settlement appears to be genuine one and it is not being influenced by the petitioners or by any other external force.

In such circumstances I find that the parties have arrived at a settlement for their future peaceful co-existence and in such circumstance if their joint prayer for quashing is turned down on the ground that the offences are non-compoundable it may become counterproductive. Therefore the continuance of a façade trial would be a mere abuse of the process of Court in view of the fact that the de-facto complainant has decided not to adduce evidence in support of the imputations leveled in the FIR and as such the chance of conviction of any of the petitioners at the end of trial is remote. Learned Counsel for the petitioners in this context also submitted that the offence is not compoundable but for the ends of justice and to prevent abuse of process of the court it can be quashed and in this context he has also relied upon judgment of Apex Court in the case of Madhukar & Ors. Vs. State of Maharashtra & Anr., (Special Criminal No. 7212 of 2025 with Special Criminal No. 7495 of 2025, dated 14th July 2025 and another judgment of Orissa High Court dated 2nd May, 2025 passed in Criminal MC No. 3926 of 2024.

Having considered the aforesaid facts and circumstances of the

case, the instant application, being C.R.R. 3086 of 2025 along with the connected application are allowed. The impugned proceeding, being SC/ST Case No. 07 of 2025 presently pending before the learned Additional District & Sessions Judge, 1st Court, is hereby quashed.

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.)