

7.
10.01.2025
GSD

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRR 366 of 2024
With
CRAN 1 of 2024
CRAN 2 of 2024

In the matter of: **Amrit Pradhan & Ors.** Petitioner(s)

Mr. Janardan Periwal
Mr. Deborshi Dhar
... for the petitioner(s)

Mr. Satyajit Paul
Mr. Abhishek Singh
... for the Victim

Mr. Rajesh Kumar Sharma
... for the private opposite party

Mr. Aditi Shankar Chakraborty, Id. APP
Mr. Kallol Acharjee
... for the State-respondent(s)

Pursuant to the earlier direction passed by a Co-ordinate Bench, a report has been submitted on behalf of the State. The report reflects that charge-sheet has already been submitted before the learned jurisdictional Court.

The records of the case reflect that the charge-sheet was submitted under the provisions of Sections 341/326/307/34 of the IPC.

The petitioner and the private respondent(s)/O.P. submit that they have compromised the dispute.

Having considered that Section 307 of the IPC has been incorporated in the charge-sheet which is a Sessions triable offence, I am not inclined to accept the compromise entered into by and between the parties.

Learned advocate for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in *H. N. Pandakumar –vs- The State of Karnataka*.

In the case said, I find that the conviction was upheld under Section 326 of the IPC, although, initially, the case was registered under Section 307 of the IPC along with the other provisions of law. The fact situation of the said case do not apply to the present case, which is at the pre-charge framing stage. The court after evidence has to come to a finding regarding the nature of the offence complained of, until and unless that stage is reached, any offence under Section 307 of the IPC on compromise between the parties, cannot be interfered on the merits of the case when the police authorities on exhaustive investigation have arrived at their finding.

In view of the aforesaid, CRR 366 of 2024 is **dismissed**.

Pending application(s), if any, is also disposed of.

Case Diary be returned to the learned advocate for the State.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)