
(2010) 02 CAL CK 0031

In the Calcutta High Court

Case No : C.R.R. No. 211 of 2010 and CRAN No. 403 of 2010

Deb Kuamr Bhattacharjee and Others

APPELLANT

Vs

State of West Bengal and Another

RESPONDENT

Date of Decision : 22-02-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (2010) 02 CAL CK 0031

Hon'ble Judges : Ashim Kumar Banerjee, J

Bench : Single Bench

Advocate : Anirban Mitra, for the Appellant; Tirthankar Ghosh, Sandip Ganguly and Suranjan Mondal for O.P. No. 2, for the Respondent

Final Decision : Allowed

Judgement

Ashim Kumar Roy, J.—Invoking Section 482 of the Code of Criminal Procedure, the petitioners, who happened to be the husband and the parents' in-law of the opposite party No. 2, moved this Court for quashing of a proceeding u/s 498A/406 of the Indian Penal Code on the ground that the matrimonial dispute between the parties have been settled out of Court.

2. Having heard the learned advocates appearing on behalf of the parties and considering the compromise petition filed before this Court as well as the application filed in the Court below, I find this is an admitted position that the aforesaid case which was an out come of some purely matrimonial disputes and differences arose in course of conjugal life has been settled out of Court by and between the parties. It has also been submitted by the learned advocate appearing on behalf of the petitioners and admitted by the learned advocate appearing on behalf of the defacto complainant that after settlement of their disputes out of Court, the petitioner No. 1 and the opposite party No. 2 are residing together as husband and wife at her matrimonial home happily and peacefully. It is also an admitted position that the defacto complainant is no

longer desirous to proceed with the criminal case which has been instituted at her instance.

3. The dispute between the parties is purely private in nature and arose out of some matrimonial disputes and differences between the husband and the wife. As the matrimonial disputes now being resolved and both of them are now admittedly living together and when the defacto complainant is no longer desirous to proceed with the criminal case started at her behest, there is no chance of the said criminal case to reach to its logical conclusion. Thus, no useful purpose will be served by allowing this criminal proceeding to continue any further and the ends of justice demands, the same be quashed.

Accordingly, the instant criminal application stands allowed and the proceeding stands quashed.

This criminal revisional application as well as the application being CRAN No. 403 of 2010 accordingly stands disposed of.

Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.