
(2019) 03 CAL CK 0054

In the Calcutta High Court

Case No : Criminal Revision (CRR) No. 4261 Of 2017 With CRAN No 488 Of 2019

Prasenjit Sarkar & Ors

APPELLANT

Vs

State Of West Bengal & Anr

RESPONDENT

Date of Decision : 11-03-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 406, 420, 498A

Citation : (2019) 03 CAL CK 0054

Hon'ble Judges : Asha Arora, J

Bench : Single Bench

Advocate : Somopriyo Chaudhury, Rajiv Lochan, Debapratim Guha, Priyanjit Kundu, Faria Hossain, Sukanta Das

Final Decision : Disposed Off

Judgement

By the instant application the petitioners being the husband, parents-in-law and brother-in-law of the opposite party no.2 have assailed the order dated 23.11.2017 passed by the learned Judicial Magistrate, 2nd Court, Barasat, North 24-Parganas in G.R. Case No. 2093 of 2010 arising out of Barasat P.S. Case No. 1015 of 2010 dated 22.05.2010 under sections 498A/406/420/120B/34 of the Indian Penal Code whereby a petition filed on behalf of the petitioners praying for their discharge from the abovementioned case was rejected on contest. Petitioners have also sought for quashing of the proceeding of the abovementioned case.

During the pendency of this application parties have filed a joint petition being C.R.A.N. 488 of 2019 praying for quashing of the proceeding of G.R. Case No. 2093 of 2010 on the ground that the dispute has been amicably resolved between the petitioners and the opposite party no.2/defacto complainant.

Learned counsel for the petitioners submits that the matrimonial dispute between the petitioner no.1 and opposite party no.2 has been settled out of court and a suit for divorce being Mat Suit No. 133 of 2012 filed by the petitioner no.1 which

the opposite party no.2 did not contest has been decreed. It is canvassed that since the dispute between the parties has been settled out of court, continuance of the impugned proceeding will not serve any purpose. In support of such submission reference has been made to the case of B.S. Joshi and Others Versus State of Haryana and Another reported in 2003 Supreme Court Cases (Cri) 848. Reliance has also been placed on a judgement of a co-ordinate Bench of this Court in the case of Atish Agarwala and Others Versus State of West Bengal and Another reported in 2008 (4) CHN 394.

Learned counsel appearing for the opposite party no.1/State submits that the matter may be disposed of since the dispute between the parties has been amicably settled and the opposite party no.2 does not wish to proceed with the abovementioned case any further. It is contended that a written declaration has been given by the opposite party no.2/defacto complainant to this effect which is submitted by the I/C Barasat PS.

Let the letter dated 25.02.2019 addressed to the Ld. Govt. Pleader, High Court, Calcutta along with enclosures be kept on record.

Learned counsel appearing for the opposite party no.2/defacto complainant submits that the matter may be disposed of since the dispute has been amicably resolved between the parties.

It appears that the present petitioners and the opposite party no.2/defacto complainant have jointly filed an application being C.R.A.N. 488 of 2019 for effecting compromise between the parties. It is evident that the dispute and differences between the parties have been amicably resolved and the defacto complainant does not wish to proceed with the abovementioned G.R. case any further. Considering the aforesaid aspect and in view of the decisions referred as well as the fact that the dispute is personal in nature arising out of matrimonial differences, not affecting public policy or public interest, continuance of the proceeding of G.R. Case No. 2093 of 2010 will not serve any useful purpose. It would therefore be expedient in the interest of justice to allow the application being C.R.A.N. 488 of 2019.

For the reasons aforestated, the application being C.R.A.N. 488 of 2019 is allowed and the proceeding of G.R. Case No. 2093 of 2010 is quashed on the basis of compromise between the parties.

The application being C.R.R. 4261 of 2017 is thus disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the applicant upon compliance of requisite formalities.