
(2019) 07 CAL CK 0066
In the Calcutta High Court

Case No : Criminal Revision (CRR) No. 355 Of 2018, CRAN No. 3253 Of 2018

Ritika Singh

APPELLANT

Vs

Vishal Singh & Anr

RESPONDENT

Date of Decision : 17-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 465, 466, 469, 474, 500, 504

Citation : (2019) 07 CAL CK 0066

Hon'ble Judges : Rajarshi Bharadwaj, J

Bench : Single Bench

Advocate : Suman Chakraborty, Supratim Bhattacharjee

Final Decision : Allowed

Judgement

Rajarshi Bharadwaj, J

The application being CRR 355 of 2018, under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing of the

proceeding, being Complaint Case No. 378-C/2016, pending before the learned 3rd Judicial Magistrate at Howrah, under Section

465/466/469/474/500/504 of the Indian Penal Code.

Learned Advocate appearing for the petitioner submits that the parties have amicably resolved their matrimonial dispute and in that regard, a

compromise application being C.R.A.N. N.O. 3253 of 2018 has been filed by both the parties for quashing of the criminal proceedings in view of the

compromise arrived at between the parties.

Learned Advocate appearing for the petitioner/wife submits that in view of the compromise arrived at by and between the petitioner and the opposite

party no. 1, direction may be given for quashing of the proceedings being Complaint Case No. 378-C/2016, pending before the learned 3rd Judicial

Magistrate at Howrah, under Section 465/466/469/474/500/504 of the Indian Penal Code against the petitioner.

Learned Advocate appearing for the petitioner relying on a decision of the Honâ??ble Apex Court in Gian Singh â?? Versus-State of Punjab and

another reported in (2012) 10 Supreme Court Cases 303 submits that the Honâ??ble High Court must consider whether it would be unfair or

contrary to interest of justice to continue with the criminal proceeding or continuation of criminal proceeding would tantamount to abuse of process of

law despite settlement and compromise between the parties and whether to secure ends of justice, it is appropriate that the criminal case is put to an

end.

Having heard the learned Advocates for the parties and having gone through the joint compromise petition signed by them and the submissions made

by the learned advocates of both the parties and fortified by the Judgment of the Apex Court, this court is of the opinion that continuation of the

impugned proceeding is an abuse of the process of law and accordingly, the same is liable to be quashed.

Hence, the impugned proceeding being Complaint Case No. 378-C/2016, pending before the learned 3rd Judicial Magistrate at Howrah, under Section

465/466/469/474/500/504 of the Indian Penal Code stands quashed.

Both the revisional application as well as the application for compromise being C.R.A.N. No. 3253 of 2018 is accordingly allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.