

Court No. 19

29.09.2020

(DL 10)

(S. Banerjee)

CRR 1364 of 2020

CRAN 1 of 2020

CRAN 2 of 2020

Bishnu Bakshi & Ors.
Versus
The State of West Bengal & Anr.

Mr. Debasish Roy, Ld. Advocate
Mr. Phiroze Edulji, Ld. Advocate
Mr. Sanjib Kumar Dan, Ld. Advocate

... for the petitioners

Mr. Saibal Bapuli, Ld. APP
Ms. Sayanti Santra, Ld. Advocate

... for the State

Mr. Uday Sankar Chattopadhyay, Ld. Advocate
Mr. Santanu Maji, Ld. Advocate
Ms. Snigdha Saha, Ld. Advocate

... for the opposite party no. 2

The learned advocate for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This revisional application relates to a prayer for quashing of a proceeding being GR Case No. 497 of 2019 under Section 498A/406/235/34 of Indian Penal Code, read with Section 3 and 4 of the Dowry Prohibition Act on the ground of mutual settlement having effected between the parties.

Mr. Roy, learned advocate for the petitioners, submits that the matrimonial relationship between the husband and the wife was strained for some extraneous consideration and subsequently good sense has been prevailed over them and in consequence thereof the dispute between the parties has been mutually settled.

Mr. Chattopadhyay, learned advocate for the wife/ opposite party no. 2 is present and, conceding the submission of Mr. Roy, submits that the dispute between the parties has already been settled. Mr. Chattopadhyay undertakes to file the Vakalatnama in the department.

A compromise petition, being CRAN 2 of 2020, in proof of mutual settlement already effected between the parties, has also been filed.

Ms. Santra, learned advocate representing the State, submits that the dispute between the parties has also been settled and as such there is nothing left to be decided for the amicable settlement effected between the parties.

Ms. Santra, learned advocate for the State, submits a report of the SI of Sinthi Police Station dated 29.09.2020. Let the same kept with the record.

Having heard the submissions of the parties, including the State-opposite party, the court is of the view that when the dispute between the parties has already been settled mutually, the court should not stand in the way. The pending GR Case No. 497 of 2019 of learned Additional Chief Judicial Magistrate, Sealdah stands compounded for the mutual settlement of the parties. The accused persons thus deserve to be favoured with an order of acquittal.

With the observations as above, the revisional application, along with the connected applications, is disposed of.

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

(Subhasis Dasgupta, J.)