

**CRR 53 of 2021
With
CRAN 1 of 2021
(Through Video Conference)**

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Arindam Biswas & Ors.**

.... Petitioners

Mr. Jagannath Ganguly

...For the Petitioners

Mr. Prasun Kr. Dutta,

Mr. Subrato Roy

...For the State

Mr. Sreekumar Chakraborty

...For the Opposite Party No. 2

Pursuant to the order dated August 13, 2021, a recorded statement of the victim has been made over to this Court. It appears that the victim/opposite party no. 2 has made a statement before the learned Judicial Magistrate, 6th Court, Sealdah, South 24 Parganas, that she wants to withdraw the present criminal case.

Let a copy of such recorded statement be kept with the record. It has been submitted by the learned advocate appearing for the petitioners as well as the learned advocate appearing for the opposite party no. 2 that the disputes between the parties have been amicably settled. The marriage tie between the parties has been dissolved by a decree of mutual divorce. A joint application for compromise has also been filed before this Court being CRAN 1 of 2021.

Since the present criminal proceeding under Sections 498A/34/506/509/406 of the Indian Penal Code, 1860, read with Section 3 and 4 of the Dowry Prohibition Act, 1961, is arising out of a matrimonial dispute, and the parties have settled the disputes amicably, I do not see any justification for the continuation of the present criminal proceeding.

It has been held by the Supreme Court in the case reported at **(2019) 5 SCC 688 (State of Madhya Pradesh -Vs- Laxmi Narayan)** as follows:-

“**15.**Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under [Section 482](#) of the Code to quash the criminal proceedings for the non-compoundable offences under [Section 320](#) of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;
.....

15.5.While exercising the power under [Section 482](#) of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

In view of the aforesaid judgment of the Supreme Court and upon consideration of the facts of the case, this criminal proceeding being G.R. Case No. 274 of 2016 under Sections 498A/34/506/509/406 of the Indian Penal Code, 1860, read with Section 3 and 4 of the Dowry Prohibition Act, 1961, pending before the

learned Judicial Magistrate, 6th Court, Sealdah, South 24 Parganas stands quashed.

Accordingly, **CRR 53 of 2021** and **CRAN 1 of 2021** are disposed of.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)