

CRR 847 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: **Hardeep Singh & Ors.**

.... Petitioners

Mr. Anand Keshri

...For the Petitioners

Ms. Sukanya Bhattacharyya,

Md. Kutubuddin

...For the State

Mr. Gaurav Kumar

...For the Opposite Party No. 2

This revisional application has been preferred for quashing of proceeding being Asansol Police Station Case No. 28 of 2017 under Sections 498A/406/323/34 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate, Asansol, Paschim Bardhaman.

The parties have come up with an application for compromise, on the ground that the disputes between the petitioners and de-facto complainant/opposite party no. 2 have been amicably settled.

It has been submitted by the learned advocates, appearing for the parties that the marriage between the parties has been dissolved by a decree of divorce and the opposite party no. 2 has received a sum of Rs. 5 lakh as full and final settlement. Since the opposite party no. 2/de-facto complainant does not want to proceed with the instant criminal case, in my opinion, there is no justification to continue with

the same, particularly when the disputes between the parties are arising out of a matrimonial dispute having no wide impact in the society.

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, the Asansol Police Station Case No. 28 of 2017 dated 27.01.2017 under Sections 498A/406/323/34 of the Indian Penal Code, 1860, pending before the Court of learned Additional Chief Judicial Magistrate, Asansol, Paschim Bardhaman, stands quashed.

Accordingly, **CRR 847 of 2021 and CRAN 1 of 2021** are disposed of.

(Kausik Chanda, J.)

