

**CRR 1092 of 2021
With
CRAN 2 of 2021
(Through Video Conference)**

In Re: - A petition under Section 482 of the Code of Criminal Procedure, 1973

And

In the matter of: **Manju Verma & Ors.**

.... Petitioners

Mr. Tarique Quasimuddin,
Mr. Syed Khafiz Zamar

...For the Petitioners

Mr. Saswata Gopal Mukherjee,
Mr. Arijit Ganguly,

...For the State

Mr. Ram Narain Rajak,
Mr. Bishwanath Shah

...For the Opposite Party No. 2

This is an application for quashing of criminal proceeding under Sections 498A/325/307/506/34 of the Indian Penal Code, 1860, pending before the learned Additional Sessions Judge, 4th Court at Howrah, arising out of Shibpur Police Station Case No. 217 of 2018.

The case is now pending before the learned Additional Sessions Judge, 4th Court at Howrah. The charge has not yet been framed by the learned Sessions Judge.

Opposite party no. 2, in this revisional application, is the wife/victim/de-facto complainant. Petitioner no. 1 is her mother-in-law, petitioner no. 2 is her sister-in-law and petitioner no. 3 is the husband of the said sister-in-law.

It has been submitted by the learned advocate for the petitioners as well as for the opposite party no. 2 that the disputes

between the parties have been amicably settled. The opposite party no. 2 is now living happily with her husband.

The statement of the victim/wife was directed to be recorded by this Court, and in compliance with such direction, the recorded statement has been filed today before this Court. It appears that the opposite party no. 2 has made a statement that she has settled the disputes amicably, and she is not willing to proceed with the criminal case any further against her in-laws.

Let the recorded statement of the victim lady be kept with the record.

The learned advocate appearing for the State, opposes the prayer for quashing of proceeding under Section 307 of the Code of Criminal Procedure, 1973.

The charge sheet includes Section 307 of the Indian Penal Code, 1860 and the law with regard to the quashing of a case for commission of an offence under Section 307 has been authoritatively settled by a three Judges Bench of the Hon'ble Supreme Court, reported at **(2019) 5 SCC 688 (State of Madhya Pradesh Vs. Laxmi Narayan)**. It was held as follows:-

“15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the

sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in *Narinder Singh* should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;”

In the present case, it appears that the victim lady in the complaint made a mere statement that she was physically abused by the said in-laws and they tried to kill her as well.

In the statement recorded under Section 161 of the Code of Criminal Procedure, 1973, the accused alleged that the petitioners tried to kill her by throttling. The doctor in his report, however, opined that the nature of injury ‘may be grievous’. Since the medical report itself suggests that the nature of the injury is doubtful, the statement recorded under Section 161 of the Code of Criminal Procedure, 1973 is not substantiated. The allegations in the F.I.R., as already indicated, do not disclose anything specific regarding commission of offence under Section 307 of the Indian Penal Code, 1860.

In my opinion, mere implication of the petitioners under Section 307 of the Indian Penal Code, 1860, without any cogent evidence should not stand in the way to quash the proceeding, when the victim lady herself has expressed her willingness not to proceed with the said case further.

The dispute is private in nature arising out of the matrimonial disputes and it has been held in the judgment of the Hon'ble Supreme Court in ***Laxmi Narayan (supra)*** 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;”

In the facts and circumstances of the case and in view of the law laid down by the Hon'ble Supreme Court, the criminal proceeding under Sections 498A/325/307/506/34 of the Indian Penal Code, 1860, pending before the learned Additional Sessions Judge, 4th Court at Howrah arising out of Shibpur Police Station Case No. 217 of 2018 stands quashed.

The revisionsal application being **CRR 1092 of 2021** along with the connected application being **CRAN 2 of 2021** are disposed of.

(Kausik Chanda, J.)