

30.07.2021
Ct No. 35
D/L 22
ab

C.R.R. 1101 of 2021
With
C.R.A.N. 1 of 2021
(Via Video Conference)

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

In re : Anirban Bose & Ors.,

... Petitioners

Mr. P. P. Dasgupta,

... for the petitioners

Mr. P. K. Dutta,
Md. Kutubuddin,

... for the State

Ms. Ankita Bose,

... for the opposite party No. 2

This is an application for quashing of a proceeding being A.C.G.R. Case No. 3001 of 2018, arising out of Garfa Police Station Case No. 200/2018 dated 15.06.2018 under Sections 498A/406/34 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Alipore.

It appears that a compromise has been arrived at, by and between the husband/petitioner and the wife/opposite party No. 2.

A Memorandum of Settlement dated December 30, 2020, has been annexed to this revisional application which shows that the parties have agreed to resolve the disputes amicably. It has

been agreed that the husband/petitioner will pay a sum of Rs. 8 lakh to the wife/opposite party No. 2, as and by way of full and final settlement.

Out of Rs. 8 lakh, Rs. 4 lakh has already been paid by the petitioner/husband and a petition for mutual divorce has already been filed. The same is pending.

When both the parties have resolved the disputes amicably, there is no justification to continue with this criminal case.

Having regard to the fact that the accused persons have no criminal antecedents and alleged offences have no serious impact in the society, I am of the opinion that in view of the law laid down at **(2019) 5 SCC 688 (State of Madhya Pradesh v. Laxmi Narayan)**, the criminal proceeding should be quashed in exercise of power conferred under Section 482 of the Code of Criminal Procedure, 1973.

Accordingly, A.C.G.R. Case No. 3001 of 2018, arising out of Garfa Police Station Case No. 200/2018 dated 15.06.2018 under Sections 498A/406/34 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Alipore stands quashed.

The revisional application being **C.R.R. 1101 of 2021** and the application being **C.R.A.N. 1 of 2021** are, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Kausik Chanda, J.)