Sr. 23
04-06-2021
Subha
ct, no.34

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)

CRR 1178 of 2021
with
CRAN 01 of 2021

In Re : **Mehul Kotecha & Ors**. **.... petitioners.**

In the matter of : An application for appropriate order.

Mr. Debasish Roy, Sr. Advocate
Mr. Syed Shamsher Ali
Mr. Arkadeb Bhattacharya
.....for the petitioners.

Mr. Samrat Goswami
....for the O. P. No.2.

Mr. Swapan Banerjee, ld. A.P.P,
Ms. Purnima Ghosh
....for the State.

This revisional application relates to a proceeding arising out of Hare Street Police Station Case no. 53 of 2020 dated 26th February, 2020 under Sections 498A/406/34/354/509/354A/504/506 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition

Act along with adding sections 465/467/468/471 of the Indian Penal Code.

Earlier a report was called for from the Investigating Officer of the case as it was submitted that the parties have amicably settled their dispute and already the parties have approached the civil court for mutual divorce.

Mr. Roy, learned senior advocate appearing for the petitioners draws the attention of this court to the contentions advanced before the civil court wherein the present opposite party no. 2 has referred to the present criminal proceedings pending before the learned Magistrate and the same be quashed. In view of the settlement arrived at between the parties, the learned advocate for the opposite party no. 2 is present.

The investigating officer was earlier directed to submit a report. The report submitted by the Officer-in-Charge of the Hare Street Police Station dated 04.06.2021 be kept with the record.

The contents of the report reflect that a compromise has been effected between the parties and the present opposite party no. 2 at whose instance the criminal proceedings were initiated has expressed her intention for discontinuing the proceedings. To that effect a letter addressed to the Officer-in-Charge of the Hare Street Police Station by the opposite party no. 2 as well as a statement recorded under 161 of the Code of Criminal Procedure which

was recorded on 3rd June, 2021 has been enclosed along with the report.

As the thrust of the initiation of the criminal proceedings relate to a matrimonial dispute which has been amicably settled between the parties, I am of the view of that further continuance of the same would be an abuse of the process of law. As such, all further proceedings relating to Hare Street Police Station Case No.53 of 2020 dated 26-02-2020(G. R(S) Case No. 268 of 2020) pending before the learned Chief Metropolitan Magistrate, Calcutta be quashed.

Accordingly, *CRAN 01 of 2021* and *CRR 1178 of 2021* are allowed.

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

(Tirthankar Ghosh, J.)