

CRR 1367 of 2021

with

IA No. CRAN 1 of 2021

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

In the matter of : **Mithun Sardar @ Mithun Sardar & Ors.**
..... petitioners

Mr. Suman De

....For the petitioners

Mr. Madhusudan Sur, Ld. APP

Mr. Dipankar Paramanik

.....For the State

In this case, though the F.I.R. was lodged under Sections 498A/406/342/354/307/506/325/34 of the Indian Penal Code, 1860, ultimately the charge-sheet was filed under Sections 498A/342/ 354/325/506/34 of the Indian Penal Code, 1860.

Pursuant to the order dated July 27, 2021, the police have recorded the statement of the de-facto complainant. The said recorded statement of the de-facto complainant, has been made over to this Court by Mr. Madhusudan Sur, learned Additional Public Prosecutor along with a report.

The de-facto complainant in her statement has said that since July 28, 2021, she has been staying at her matrimonial household with her husband, and she has no allegation against anyone.

A compromise petition has been filed before this Court being CRAN 1 of 2021.

Since the disputes between the parties are arising out of a matrimonial relationship, the alleged crimes have no wide impact in the society at large and moreover the de-facto complainant is

not willing to proceed with the case, I find no justification in continuation of the criminal case.

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 proceeding being G.R. Case No. 7174 of 2020 under Sections 498A/342/354/325/506/34 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate at Baruipur stands quashed.

The application being **CRR 1367 of 2021** and **CRAN 01 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.)

