

CRR 1529 of 2021

with

CRAN 1 of 2021

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

In the matter of : **Tapan Roy & Ors.**

..... petitioners

Mr. Prantick Ghosh

....For the petitioners

Ms. Sukanya Bhattacharya

Mr. Mirza Firoz Ahmed Begg

.....For the State

This is an application for quashing of a case being G.R. Case No. 691 of 2016 under Section 498A of the Indian Penal Code, 1860, pending before the learned Judicial Magistrate, 5th Court, Barrackpore.

The parties have come up with an application for compromise on the ground that the dispute between them has been amicably settled. Petitioner no. 1 and the opposite party no. 2 are living together and leading a happy married life, peacefully with their two daughters.

The statement of opposite party no. 2 recorded by the concerned police officer has also been produced by the State. Let such statement be kept with the records of the case.

I am of the view that the present criminal case is an outcome of private matrimonial disputes. Since after resolving the disputes the parties have restored their conjugal life, the continuation of the criminal case may lead to an unnecessary complication in their family life.

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 facts of the case, and the law laid down by the Supreme Court, the G.R. Case No. 691 of 2016 pending before the learned Judicial Magistrate, 5th Court, Barrackpore under Section 498A of the Indian Penal Code, 1860, stands quashed.

The application being **CRAN 1 of 2021**, and the revisional application being **CRR 1529 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.)

