

CRR 1580 of 2021
With
CRAN 1 of 2021
(Through Video Conference)

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

And

In the matter of: **Tarun Dey**

.... Petitioner

Mr. Kishore Mukherjee,
Mr. Sankha Subhra Ray

... For the Petitioner

Mr. Rana Mukherjee,
Ms. Sujata Das,
Ms. Debjani Sahu

...For the State

Ms. Koushikee Banerjee

...For the Opposite Party/Wife

In this revisional application, the petitioner seeks quashing of a proceeding being G.R. Case No. 5096 of 2019 under Sections 498A/323/506 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas.

Before this court, the parties have come up with a joint application for quashing of the proceeding on the ground of compromise. It has been submitted jointly by the learned advocates appearing for the parties that the parties have filed an application for mutual divorce.

It has been averred in the joint application by the petitioner and the opposite party no. 2 that the disputes between the parties have been amicably settled.

Having regard to the alleged offences involved in this case, I am of the opinion that the continuation of the criminal proceedings even after the settlement of the disputes by and between the parties will be an abuse process of law.

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 above, the criminal proceeding being G.R. Case No. 5096 of 2019 under Sections 498A/323/506 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas stands quashed.

CRR 1580 of 2021 and CRAN 1 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.)