

CRR 1770 of 2021
with
CRAN 1 of 2021

In re : An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of : **Sanjay Kumar Das & Ors.**

..... petitioners

Mr. Asis Bhattacharyy

....For the petitioners

Ms. Sukanya Bhattacharyya
Md. Kutubuddin

....For the State

Mr. Biswajit Mitra

....For the opposite party no. 2

This is an application for quashing of a proceeding being G.R. Case No. 2806 of 2016 pending before the learned Judicial Magistrate at Sealdah (Rail Court), 4th Court, South 24-Parganas, under Sections 498A/406 of the Indian Penal Code, 1860.

The petitioner no. 1/husband and the opposite party no. 2/wife are present before this Court.

Ms. Sukanya Bhattacharyya, learned advocate, who generally appears for the State, is requested to appear in this matter. Let her appointment be regularized.

It has been submitted jointly on behalf of the petitioners and the opposite party no. 2 that the dispute between the parties have been amicably settled, and a decree of divorce has been passed on August 20, 2020, by the learned Additional Sessions Judge, 8th Court, at Alipore, in Matrimonial Suit No. 1978 of 2016.

An application being CRAN 1 of 2021 has also been filed by the de-facto complainant/wife wherein she prayed for the quashing of the aforesaid proceeding.

It appears that the dispute between the parties are private in nature and arising out of a matrimonial dispute. Since the parties have amicably settled the dispute and the de-facto complainant/opposite party no. 2/wife is not willing to proceed with the case, I find no justification to continue the criminal proceeding.

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. 2806 of 2016 pending before the pending before the learned Judicial Magistrate

at Sealdah (Rail Court), 4th Court, South 24-Parganas, under Sections 498A/406 of the Indian Penal Code, 1860, stands quashed.

The application being **CRAN 1 of 2021** and the revisional application being **CRR 1770 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.)