

Sr. 14
17-11-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 1851 of 2021

In the matter of : Abhijit Paul petitioner.

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

Mr. Milon Mukherjee, Sr. Advocate
Mr. Duttatreya Dutta
.....for the petitioner.

Mr. Moyukh Mukherjee
Mr. Md. Zohaib Rauf
Mr. Abdul Zahid
.....for the O. P. No.2.

Mr. S. G. Mukherjee, Id. PP,
Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
....for the State.

Pursuant to the order dated November 10, 2021, a report has been submitted by the concerned Officer of Taltala (Women) P. S. which enclosed the statement of the complainant namely, Madhurima Dhar. The said statement was recorded on 16th November, 2021. The statement reflects that the complainant is not willing to pursue with the Criminal Case No. 04 of 2021 dated 30.06.2021 under Section 498A/406/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

Let the report submitted by the Officer-in-Charge, of Taltala P.S. through the learned advocate appearing for the State be kept with the record.

Mr. Mukherjee, learned senior advocate appearing for the complainant/opposite party no.2 expresses his anxiety that since the matrimonial case being the application under Section 28 of the Special Marriage Act is fixed on 23rd February, 2022 for final adjudication before the civil court, the revisional application may not be disposed of.

I have considered the statement recorded on 16.11.2021 and I find that there is only an apprehension which has been expressed by the learned advocate regarding the finality of the consent in the application under Section 28 of the Special Marriage Act.

Mr. Mukherjee, learned senior advocate appearing for the petitioner also undertakes that there is no scope for failure of commitment which has been accorded to by and between the parties by way of a settlement which was entered into on 15th August, 2021.

In view of the assurance given by the learned advocates appearing for the parties and the statement recorded by the Officer-in-Charge, Taltala Women Police Station along with the report so placed before this court, the following directions are being passed :-

- 1. The petitioner before this court would take all steps before the civil suit as fixed on 23rd February, 2022 so that the said case comes to*

an end with the spirit of the settlement which has been arrived at on 15th August, 2021. No deviation should be made by the petitioner regarding the commitments so fixed in the settlement.

2. *The proceedings relating to Taltala Women Police Station Case No. 04 of 2021 dated 30.06.2021 under Section 498A/406/34 of the Indian Penal Code is hereby quashed with a default clause that in case for default of the petitioner, if the matrimonial case do not come to an end to its logical conclusion as expressed in the settlement agreement dated 15th August, 2021, the petitioner or the opposite party no.2 would be at liberty to mention the matter before this court so that the present case being Taltala Women Police Station Case No.04 of 2021 dated 30.06.2021 can be revived.*

This order is being passed in exercise of the powers conferred under Section 482 of the Code of Criminal Procedure and will not be a precedent for any other matter.

With the above observations, the present revisional application being CRR 1851 of 2021 is disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)