

22.09.2021

Ct No. 35

D/L 31

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C.R.R. 1841 of 2021
With
CRAN 1 of 2021
(Via Video Conference)

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

In re : **Haradhan Saha & Anr.,**

... Petitioners

Mr. Arindam Sen,

Mr. Sourav Basu,

... for the petitioners

Mr. Rudradipta Nandy,

... for the State

Md. Bani Israil,

Mr. Kanchan Gupta,

Ms. Rini Bhadra De,

... for the opposite party No. 2

Liberty is given to the petitioners to correct the cause title of the application.

In the present case, the charge sheet has been submitted against the petitioners under Sections 498A/323/406/34 of the Indian Penal Code, 1860.

The petitioners and the de-facto complainant/opposite party no. 2 have filed a joint application in connection with the main revisional application for quashing of the said case on the ground of compromise.

It has been submitted by the learned advocates appearing for the parties that the marriage tie between the petitioner no. 1

and the de-facto complainant/opposite party no. 2 has been dissolved by a decree of mutual divorce on September 18, 2021. The de-facto complainant/opposite party no. 2 is residing separately, and the disputes between the parties have been amicably settled.

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.”

I am of the view that since the de-facto complainant does not wish to proceed with the present criminal case, the continuation of the same will be an abuse of process of law.

In view of the judgement of the Supreme Court and having regard to the facts of the case, the application for compromise being **CRAN 1 of 2021** stands allowed.

The proceeding arising out of G.R. Case No. 2476 of 2017 under Sections 498A/406/325/34 of the Indian Penal Code, 1860, pending before the Court of the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas, stands quashed.

In view of the quashing of the present criminal case, the petitioners are discharged from their respective bail bonds furnished by them before the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas.

The revisional application being **C.R.R. 1841 of 2021** and **C.R.A.N. 1 of 2021** are, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Kausik Chanda, J.)