

CRR 1890 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: **Souvik Das & Ors.**

.... Petitioners

Mr. Avik Ghatak,
Mr. Kousik De,
Ms. Mohini Majumder

...For the Petitioners

Ms. Sukanya Bhattacharyya,
Md. Kutubuddin

...For the State

Ms. Kriti Mehrotra

...For the Opposite Party No. 2

Leave is granted to the petitioner to amend the cause-title.

This is an application for quashing of the proceeding being G.R.

Case No. 414 of 2019 under Sections 498A/406/323/354/341/506/120B/34 of the Indian Penal Code, 1860 and Sections 3 / 4 of the Dowry Prohibition Act, 1961, pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly.

It has been submitted by the appearing parties that a marriage between the petitioner no. 1/husband and the wife/opposite party no. 2 has been dissolved by a decree of divorce dated September 22, 2021.

It has also been submitted that there has been no claim of maintenance by the opposite party no. 2 against the petitioner no. 1

and the opposite party no. 2 is not willing to proceed further with the criminal case since 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.”

The present dispute is arising out of a matrimonial proceeding and when the parties have settled the disputes amicably, in my view, there is no justification to continue with the present case any further.

In that view of the matter, this criminal proceeding being G.R. Case No. 414 of 2019 under Sections 498A/406/323/354/ 341/ 506/120B/34 of the Indian Penal Code, 1860 and Sections 3 / 4 of the Dowry Prohibition Act, 1961, pending before the learned

Additional Chief Judicial Magistrate, Serampore, Hooghly stands quashed.

Accordingly, **CRR 1890 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.)