

23.02.2021
SL No. 1
Court no. 1
S.Dutta

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

**CRR 118 of 2019
Pranay Gurung vs. The State of West Bengal & anr.**

Ms. M. Dutta

..For the Petitioner.

Mr. A. S. Chakraborty

Mr. Ujjal Luksom

..For the State.

Ms. D. Rai Gurung

..For the O.P. No. 2.

Notice has been served upon the opposite party and in response thereto the opposite party is appearing who submits that she does not want to proceed with the case and further submits that the dispute with her husband has been settled.

Let affidavit of service filed in Court be kept with the record.

I have heard the learned advocates for the parties.

This is an application under section 482 Cr.P.C, whereby the petitioner husband sought for quashing of the proceeding in G.R. Case No. 303 of 2016 arising out of Sukhia Pokhri P.S. Case No. 27 dated 27.06.2016 u/s. 498A/324 IPC ad Charge Sheet no. 23 of 2016 dated 24.07.2016 u/s. 498A/324 IPC, pending before the learned CJM, Darjeeling.

The learned counsel appearing for the petitioner husband submits that the dispute between the petitioner and the opposite party no. 2 have settled their dispute amicably and they are again leading their conjugal life in the matrimonial home and that the allegation as leveled

against the petitioner is not attracted in the facts and circumstances of the case.

It would appear from the order sheet that the witnesses have been examined and the case has been closed by the learned Chief Judicial Magistrate, Darjeeling.

It is pointed out that in view of the compromise arrived at by and between the parties, the instant proceeding yield no fruitful result in keeping the matter pending and would be wastage of judicial time.

Since the trial court has already concluded the evidence, let the matter be decided on its merit bearing in mind the observation made herein that the defacto complainant Dipali Gurung is not will to proceed with the case pending before the trial court.

In the context of the observations, this revisional application being CRR 118 of 2019 is disposed of with direction upon the learned CJM, Darjeeling to conclude the hearing within a week.

(Shivakant Prasad, J.)