

20.
07-06-2022
sd.

CRR 222 of 2011

**Himanshu @ Himangshu Sekhar Rana
Vs.
The State of West Bengal & Anr.**

Mr. K. Mondal ...for the petitioner

Mr. M.P. Agarwal
Mr. P. Bose ..For the State

Mr. Kallol Mondal appearing for the petitioner submitted that the instant application under section 482 of the Cr.P.C arose out of matrimonial dispute pending between the present Petitioner and the Respondent no. 2. Since the matter has been settled out of court, it is futile to keep the criminal complaint pending for long. Mr. Mondal filed a photo copy of the Order passed in CO no. 3356 of 2013 with a compromise petition being CAN 209 of 2017.

Let the same be kept with the record.

The Learned Counsel appearing for the State submitted that he has no objection against allowing of the instant application. He further submitted that since the matter has been amicably settled between the parties and there is reflection of the same in the previous Order dated 7.3.2017 passed in C.O 3356 of 2013, the instant petition may be allowed.

On hearing both the parties, it appears that due to an amicable settlement of matrimonial dispute between the parties, nothing remains of those allegations. The Order dated 07.03.2017, passed in C.O 3356 of 2013 with CAN 2029 of 2017 reflects that in terms of the compromise arrived at between the Petitioner and the Respondent No.2, among others, the proceeding being C-308 of 2009 u/s 420/468/471/120B of the Indian Penal Code, pending before the Chief Judicial Magistrate, Alipore, 24-Pgs.(S) should be deemed to be discontinued as on compromise. In a situation like this where keeping the criminal proceeding will be a futile exercise, the High Court has power to exercise jurisdiction under Section 482 of the Cr.P.C, quashing the pending criminal cases, even though the offences are not compoundable [Ref: Gian Singh vs. State of Punjab; (2012) 10 SCC 303].

Therefore, I am inclined to allow the petition u/s. 482 of Cr.P.C. Proceeding being C-308 of 2009 u/s 420/468/471/120B of the Indian Penal Code, 1860, pending before the Chief Judicial Magistrate, Alipore is quashed, hereby.

Parties to act on the photo copy of this order.

The instant criminal revision stands disposed of.

(Sugato Majumdar, J.)

