

08.12.2022
S/L No.10
KS

C.R.R. 385 of 2021
With
IA No. CRAN 1 of 2021
Sk. Habibur Rahaman Ali @ Sk. Hasibur Ali & Ors.
-Vs.-
The State of West Bengal & Anr.

Mr. S. Das. Mahapatra
.....For the Petitioners
Mr. Soumya Basu Roy Chowdhury
..... For the O.P. Nos.2 & 3
Mr. S. G. Mukherjee, Ld. P. P.
Mr. Imran Ali
Mrs. Debjani Sahu
.....For the State

A joint compromise application has been filed by the petitioner no.1 and the opposite party no.2 in respect of an offence arising out of Dantan Police Station Case No.237/2017 dated 14.08.2017 under Sections 498A/ 325/ 307/ 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act. The said case was pending before the Learned C.J.M., Paschim Medinipur.

Earlier by an order dated 23.11.2022 a report was called for pursuant to which a report has been submitted by Mrs. Sahu, learned advocate appearing for the State wherein a further statement of the lady/Samiyun Bibi has been recorded before the Learned Judicial Magistrate, 4th Court, Paschim Medinipur. The statement reflects that Samiyun Bibi do not intend to pursue the case which was initiated

pursuant to a complaint by the Dantan Police Station and wherein charge-sheet was submitted under Sections 498A/ 325/ 307/ 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act. The Case Diary was called for to assess regarding the nature of the injuries for which charge-sheet was submitted under Section 307 of the Indian Penal Code. Report so submitted be kept with the record.

I have assessed the injuries available in the injury report and on an appreciation of the attending circumstances, I am of the opinion that no offence under Section 307 of the Indian Penal Code has been made out in this case. There are changed circumstances which reflects that both the parties have arrived at an amicable settlement.

In view of the aforesaid, further continuance of Dantan Police Station Case No.237/2017 dated 14.08.2017 as also the charge-sheet filed before the Learned C.J.M., Paschim Medinipur and the orders passed therein are unwarranted for further continuance, as such, the proceedings are quashed.

Accordingly, C.R.R. 385 of 2021 alongwith IA No. CRAN 1 of 2021 are disposed of.

Pending any other applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

