

17.03.2022
Item no. 17
Court No.40.
S.De.

(Via Video Conference)

**CRR 913 of 2016
I.A. No. CRAN/8/2018
(Old No. CRAN 2727 of 2018)**

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

In the matter of : Anirban Laha & Ors.

.....Petitioners.

Mr. Kumar Jyoti Tewari,
Mr. Tarunjyoti Tewari,
Mr. Aniruddha Tewari,

.....for the Petitioners.

Ms. Mousumi Bhowal,
Mr. Siddhartha Dey,

.....for the opposite party no.2.

Ms. Faria Hossain,
Ms. Mamata Jana,

....for the State.

Report filed on behalf of the State be kept with the record.

This is an application for quashing the Baguiati Police Station Case No.512 of 2013, dated 05.10.2013 under Sections 120B/323/406/420/498A of the Indian Penal Code pending before the learned Chief Judicial Magistrate at Barasat.

When this application is taken up for hearing today, it has been submitted by the petitioner and the opposite party no.2 that the disputes between them have been amicably settled. The marriage between petitioner no.1 and opposite party no.2 had been dissolved by a decree of divorce dated 31st March, 2015.

Ms. Mousumi Bhowal learned advocate appearing for the opposite party no.2 submits that her client does not want to proceed with the criminal case any further in view of the settlement arrived at between the parties.

Ms. Faria Hossain learned advocate appearing for the State submits a report from the relevant police station. It appears that the relevant police officer has recorded a statement of the opposite party no.2 under Section 161 of the Code of Criminal Procedure where the opposite party no.2 has expressed her intention not to proceed with the criminal case any further.

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.”

Since this case is arising out of a matrimonial dispute between the parties, in view of the aforesaid judgment of the Supreme Court the Baguiati Police Station Case No. 512 of 2013 dated 05.10.2013 under Sections 120B/323/ 406/ 420/498A of the Indian Penal Code, 1860, stands quashed.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

[Kausik Chanda, J.]