

D/L19
29.11.2022
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C.R.R.1156 of 2021

In Re: An application under Article 227 of the Constitution of India;

Smt. Susmita Das and others
Versus
The State of West Bengal and another

Mr. Mrityunjoy Chatterjee,
Mr. Sanjib Mitra,
Mr. Debapriya Majumder.
...for the petitioners.

Mr. Saswata Gopal Mukherjee,
Mr. Imran Ali,
Ms. Debjani Sahu.
...for the State.

Mr. Suryasarathi Basu.
...for the opposite party no.2.

The present case arose out of matrimonial discord and it was expressed before this Court that the parties have arrived at amicable settlement. Pursuant to which by an order dated 22nd November, 2022 a report was called for from the Inspector-in-Charge, Uttarpara Police Station. The report has been enclosed along with the statement of the de facto complainant, namely, Abhishek Murmu being recorded, as also a communication being made to the Inspector-in-Charge, Uttarpara Police Station.

Report so submitted on behalf of the State be kept with the record.

The complainant has categorically stated that the disputes and differences between the parties have been settled and divorce by way of mutual consent was granted on 6th July, 2022,

the complainant under the changed circumstances do not intend to pursue with the proceedings being Uttarpara Police Station Case No.379 of 2019 dated 23.07.2019 and the charge-sheet submitted in connection with the said case.

Having regard to the change of circumstances and the statement of the complainant, I am of the opinion that the chances of conviction of the petitioners in the present case is bleak. Accordingly, further continuance of the proceedings arising out of Uttarpara Police Station Case No.379 of 2019 dated 23.07.2019 under Sections 354/341/323/504/509 of the Indian Penal Code and 3(1)(r)(s)(w)(i)(ii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (G.R. Case No.1413 of 2019) and the charge-sheet submitted therein pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly or the learned Special Court, Hooghly is hereby quashed.

Accordingly, CRR 1156 of 2021 is allowed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)