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March 17,
2022
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C.R.R. No.1167 of 2017

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Tahamina Bibi
Versus
Abdul Aziz (Nayan) & Ors.

Mr. Debapriya Samanta.
...for the opposite parties.

Mr. Arijit Ganguly,
Ms. Sujata Das.
...for the State.

Today the investigating officer of the case is present and has submitted a report through Mr. Arijit Ganguly, learned advocate appearing for the State. Let the report be kept with the record. His further appearance stands dispensed with.

Report reflects that a sum of Rs.3,25,000/- has been received by the petitioner towards stridhan articles. A photostat copy of the acknowledgement receipt to that effect has been enclosed along with the report. A statement has also been recorded of the de facto complainant. Another application has also been enclosed which was preferred before the learned Judicial Magistrate (Addl.), Lalbagh, Murshidabad in connection with Misc. Case No.67 of 2019. The statement which has been recorded clearly states that the de facto complainant do not intend to pursue the litigation.

In this case, initially charge-sheet was filed under Section

498A of the Indian Penal Code, as such, the case arose out of matrimonial discord. This Court on perusal of the police papers felt that in spite of the stridhan articles being mentioned in the initial FIR, yet no efforts for seizure was made and direction was passed. However, in the meantime, a compromise has been arrived at between the petitioner/ de facto complainant and the private opposite parties.

In view of the aforesaid, I am of the opinion that further continuance of Ranitala Police Station Case No.43/15 dated 04.03.2015 is unwarranted and, as such, is liable to be quashed.

Thus, CRR 1167 of 2017 is allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby made absolute.

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

(Tirthankar Ghosh, J.)