

31-01-2022
Subha
Item no. 07
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
(Via video-conference)

C.R.R 1699 of 2019
With
CRAN 2585 of 2019

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

In the matter of : Souvik Guha Sarkar & Anr. ...Petitioners.

Mr. Jayanta Narayan Chatterjee
Mr. Apalak Basu

....for the petitioners.

Mr. S. G. Mukherji, ld. PP
Mr. Sandip Chakraborty

....for the State.

Mr. Shibaji Kumar Das

...for the pvt. Opp. Party.

The report, submitted by the Officer-in-Charge, Garfa Police Station, which has been handed over before this court by Mr. Sandip Chakraborty, learned advocate appearing on behalf of the State be kept with the record.

The report reflects that the de facto complainant namely, Smt. Trishita Guha Sarkar nee Dutta, at whose instance Garfa P. S. Case No.23 of 2018 dated 19.01.2018 under Sections 498A/406/34 of the Indian Penal Code read with sections 3/4 of the Dowry Prohibition Act was registered for investigation, is not interested in pursuing the trial of the case.

Mr. J. N. Chatterjee, learned advocate appearing on behalf of the petitioners namely, being petitioner no. 1. *Souvik Guha Sarkar* and *petitioner no. 2. Subrata Guha Sarkar*, submits that there was a

matrimonial discord, but subsequently at the instance and intervention of concerned well-wishers, which has been amicably settled and there has been mutual divorce with the petitioner no.1.

Mr. Das, learned advocate appearing on behalf of the opposite party no. 2 do not dispute the submissions of Mr. Chatterjee, learned advocate appearing on behalf of the petitioners.

A joint compromise application being CRAN 2585 of 2019 has been filed before this court at the instance of the parties, wherein a prayer for quashing has been advanced.

A compromise has been already been effected in view of the report which has been submitted on behalf of the State.

After going through the submissions advanced by Mr. Chatterjee, learned advocate for the petitioners and Mr. Das, learned advocate appearing on behalf of the private opposite party no.2/wife, I am of the opinion that the subject-matter of the case relates to matrimonial discord and further continuance of the proceedings are unwarranted in view of the compromise arrived at between the parties.

Accordingly, all further proceedings being A.C.G. R No. 326 of 2018 arising out of *Garfa P. S. Case No. 23 of 2018 dated 19.01.2018 under sections 498A/406/34 of the IPC read with Sections 3/4 of the Dowry Prohibition Act presently pending before the learned Judicial Magistrate, 1st Court at Alipore, South 24 Parganas* as also all orders passed therein are, hereby, quashed.

Accordingly, the revisional application being CRR 1699 of 2019 along with application being CRAN 2585 of 2019 is, hereby, allowed.

Interim orders, passed herein, are made absolute.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]