

D/L 10
March 8,
2022
Bpg.

C.R.R. No.2292 of 2019

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

Dina Bhattacharya
Versus
State of West Bengal & Anr.

Mr. Ayan Bhattacharjee,
Mr. Biswanath Chatterjee,
Mr. Sobhan Kumar Pathak.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly,
Mr. Sandip Chakraborty
...for the State.

Ms. Sanghamitra Pandit.
...for the opposite party no.2.

The present revisional application was preferred
challenging the proceedings relating to Rabindra Sarobar Police
Station Case No.105/19 (corresponding to C.G.R. No.1681/19)
under Sections 341/323/379/506/509/34 of the Indian Penal
Code.

In course of pendency of the proceedings a
supplementary affidavit has been preferred enclosing a
memorandum of understanding between the parties. In the said
memorandum of understanding, there are properties and finance
involved which reflect that the distribution of the same is to be
effected in course of time.

Learned advocate for the opposite party no.2 is present and agrees to the memorandum of understanding which has been enclosed along with the supplementary affidavit.

A report has been received from the concerned officer of Rabindra Sarobar Police Station wherein the statement of one Dona Dutta has been recorded. The said statement reflects that the disputes are between the two sisters and the families and the process of partition is in progress. The statement also reflects that final settlement is yet to be completed in Title Suit No.08 of 2020 which is pending before the learned Civil Judge (Senior Division), 9th Court, Alipore.

Let the report be kept with the record.

Learned advocate for the petitioner has preferred a supplementary affidavit wherein the civil court has observed by its order dated 28.01.2022 that “the suit be and the same is hereby decreed in terms of the joint compromise petition dated 28.01.2022”.

In view of the present stage of the proceedings, I am of the opinion that further continuation of the proceedings being Rabindra Sarobar Police Station Case No.105/19 corresponding to C.G.R. No.1681/19 is unwarranted and would be an abuse of the process of the court and there is scope of miscarriage of justice. Accordingly, the said proceedings are quashed.

However, an apprehension has been expressed by the learned advocate for the opposite party no.2 till the final decree is passed.

Accordingly, the opposite party no.2 would express her satisfaction before the learned civil court at the time of passing of final decree and then only the court would pass the final decree.

Thus, CRR 2292 of 2019 is allowed.

Pending application, if any, is consequently disposed of.

Interim order 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.)