

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 2610 of 2021
With
CRAN 1 of 2022**

**Biman Bihari Nath and Ors.
Vs.
The State of West Bengal and Anr.**

For the petitioner: Mr. Bhaskar Ghosh

For the O.P. No.2: Mr. Srinjay Sengupta
Mr. Saurav Roy
Mr. Narattam Acharyya
Mr. Ankush Ghosh

For the State: Mr. Saibal Bapuli
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

Item No.03

Heard & Judgment on: 20.07.2022

Bibek Chaudhuri, J.

The instant revision is filed by the husband and other matrimonial relations of the opposite party No.2 for quashing of the criminal proceeding being Lake Police Station Case No.226 of 2016 (C.G.R. No. 3779 of 2016) under Sections 498A/406/354/325/114 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Alipore, South 24 Parganas on the ground that the dispute between the parties has been amicably settled.

During pendency of the instant application a report of the Officer-in-charge of Lake Police Station was called for directing him to record a statement of the de facto complainant to ascertain as to whether the matrimonial dispute between the parties has been settled amicably by virtue of a Memorandum of Settlement dated 6th March, 2019.

The de facto complainant unequivocally stated before the Officer-in-charge of Lake Police Station that the dispute between her and her husband has been settled and pursuant to the Memorandum of Settlement dated 6th March, 2019 executed by and between the parties and all the contending issues were resolved.

When in a matrimonial case the parties have entered into a settlement and compromise is effected, this Court has ample power

under Section 482 of the Code of Criminal Procedure to quash the proceeding pending between them on the ground that continuation of such proceeding will be a mere formality and no fruitful result will be sub-served if the criminal case is allowed to be proceeded with.

In view of such circumstances and for the reasons stated above, Lake Police Station Case No.226 of 2016 (C.G.R. No. 3779 of 2016) under Sections 498A/406/354/325/114 of the Indian Penal Code is quashed.

The instant criminal revision is, thus, disposed of on the basis of the above settlement.

The application is also disposed of.

(Bibek Chaudhuri, J.)