

21.12.2022

Sl. No. 05

Srimanta

Ct.No. 42

CRR/3603/2022

In the matter of : **Avishek Saha**

Mr. Gautam Chakraborty, Adv.,

Mr. J. N. Manna, Adv.

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Sudip Ghosh, Adv.,

Mr. Bitasok Banerjee, Adv.

...for the State.

Mr. Kartik Kumar Ray, Adv.

...for the opposite party no. 2.

Both the petitioner and private opposite party have filed a joint petition for settlement of dispute between them and under such circumstances prayed for quashing of NTS Police Station Case No. 64/2020 dated 10th June, 2020 under Section 498A/406/506 of the Indian Penal Code.

In the instant proceeding, the petitioner is the accused/husband of opposite party no. 2. As per direction made by this Court the Officer-in-Charge of NTS Police Station, Durgapur interrogated the de facto complainant/opposite party no. 2 and recorded her statement. It is unequivocally stated by the opposite party no. 2 before the Officer-in-Charge of the aforesaid Police Station that she settled the matter amicably with her husband and on the basis of such settlement a memorandum of understanding was executed by and between her and her husband on 4th December, 2021.

At present the parties do not want to proceed with GR Case No. 704/2020 arising out of NTS Police Station Case No. 64/2020 pending before the learned Judicial Magistrate, 4th Court at Durgapur.

Both the petitioner and the private opposite party are physically present in Court. It is ascertained from the submission made by the learned Counsels for the parties and on perusal of the Police report that the settlement of dispute between the parties was voluntary and there was no threat, coercion or undue influence exerted upon the de facto complainant/opposite party no. 2 to settle the dispute.

In view of such circumstances and bearing in mind the guidelines laid down by the Hon'ble Supreme Court in Parbatbhai Aahir –Vs.- State of Gujarat reported in (2018) 1 SCC (Cri) 1 the joint compromise petition is accepted. Further proceeding of GR Case No. 704/2020 pending before the learned Judicial Magistrate, 4th Court at Durgapur be quashed.

Parties are at liberty to act on the server copy of the order.

Report submitted by the Officer-in-Charge, NTS Police Station be kept with the record.

(Bibek Chaudhuri, J.)