

07.02.2022

Item No.8
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3092 of 2019
(Via Video Conference)

**Niraj Kumar Mandal @ Neeraj Mandal
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 filed for quashing of the proceedings being G.R. Case No. 1961 of 2016 arising out of Narkeldanga Police Station Case No. 197 of 2016 dated 11.06.2016 under Sections 498A/323/506(ii) of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act pending before the learned Additional Chief Judicial Magistrate at Sealdah, South 24-Parganas.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Binoy Kumar Panda,
Mr. Sandip Chakraborty ... For the State.

Mr. Amar Nath ... For the Opposite Party No.2.

A report of Officer-in-Charge, Narkeldanga Police Station dated 07.02.2022 submitted by Mr. Sandip Chakraborty, learned advocate appearing for the State be kept with the record.

The said report encloses a statement of opposite party no.2 recorded by the concerned Officer-in-Charge, Narkeldanga Police Station and a mail which has been sent to the police station by the opposite party no.2.

The present case is under Sections 498A/323/506(ii) of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act. The investigating agency on conclusion of investigation of Narkeldanga Police Station Case No. 197 of

2016 dated 11.06.2016 submitted charge-sheet under the said sections and the learned Magistrate was pleased to take cognizance of the same.

Having regard to the fact that there has been change of circumstances since the charge-sheet was filed and on 11.01.2019 the parties have been divorced mutually under Section 13B(2) of the Hindu Marriage Act and further during the pendency of this revisional application, the quantum of amount which was decided to be paid by way of maintenance/permanent alimony, I am of the opinion that further continuance of the proceedings is unwarranted as the parties have decided to settle the disputes and the *de facto* complainant/opposite party no.2 has made a statement to the effect that she does not intend to pursue the instant case.

Accordingly, all further proceedings arising out of Narkeldanga Police Station Case No. 197 of 2016 dated 11.06.2016 and the charge-sheet filed thereunder under Sections 498A/323/506(ii) of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act are hereby quashed.

The revisional application being CRR 3092 of 2019 is, thus, allowed.

Interim order, if any, is hereby made absolute.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)