

16-03-2022
Subha
Item-5
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 3292 of 2016
(Assigned)

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

In the matter of : ***Shyamaprasad Dawn & Ors.***
...Petitioners.

Mr. Ayan Bhattacharyya
Mr. Kunal Ganguly
Mr. Tirupati Mukherjee
.....for the Petitioners.

Mr. Arijit Ganguly
Mr. Mirza Firoj Ahmed Begg
.....for the State.

The present revisional application was filed challenging the chargesheet submitted in connection with khayrasole P. S. Case No. 34 of 2012 dated 01.05.2012 under Sections 498A/506/307 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Mr. Bhattacharyya, learned advocate appearing on behalf of the petitioners submits that there has been considerable change of circumstances since the chargesheet was filed and subsequently there has been a mutual divorce under the provisions of Section 13B of the Hindu Marriage Act which has been passed by the learned District Judge, Birbhum in his order dated 14.02.2014.

It is also his submission that the provisions of Section 307 of the Indian Penal Code has been incorporated on a vague oral

allegation.

Mr. Ganguly, learned advocate appearing on behalf of the State has submitted a report which was prepared pursuant to the order dated 02.03.2022. The report encloses the statement of the de facto complainant being recorded and the statement reflects that the de facto complainant presently has settled in life and is not interested to pursue the case.

I have perused the allegation for which the provisions of Section 307 of the Indian Penal Code has been incorporated and I find that the allegation was that some of the members of the matrimonial family tried to press pillow and suffocate the de facto complainant.

Having regard to the nature of the allegations and the fact that subsequently there has been change of circumstances and the parties have started leading separate life and the de facto complainant is not willing to pursue the present litigation, I am of the opinion that further continuation of the present proceedings are unwarranted in the changed circumstances.

Accordingly, Khayrasole P. S. Case No. 34 of 2012 dated 01.05.2012 including the chargesheet submitted therein as also the orders passed therein are hereby quashed.

Thus, the revisional application being CRR 3292 of 2016 is allowed.

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

Interim order, if any, is hereby made absolute.

Report of the SI of Police, Khayrasole P.S, Birbhum dated 7th March, 2022 so filed before this court by the learned advocate for the State be kept with the record.

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

(Tirthankar Ghosh, J.)

