

26.04. 2023
Item No.8
Ali
Ct. no. 551

**CRR 73 of 2018
with
IA No. CRAN 1 of 2023**

**Urmila Das
Vs.
State of West Bengal & Anr.**

Mr. Pawan Kr. Gupta,
Mr. Santanu Sett,
Mr. Abhijit Bose,

... for the petitioner.

Mr. Vijay Verma

... for the O.P. No. 2.

Ms. Faria Hossain,
Mr. Anand Keshari,

... for the State.

Learned advocate for the State submitted a report. Let the report be kept on record.

CRAN 1 of 2023

The instant CRAN application was filed jointly by the present petitioner and the opposite party no. 2 i.e. the de facto complainant with a prayer for quashing of the proceedings. Heard learned advocate for the petitioner as well as the learned advocate for the private opposite party. The instant CRAN application is a joint compromise application wherein the parties submit that the matter was settled outside the court. The son of the present petitioner and the daughter private opposite party are residing jointly as husband and wife. Out of the wedlock between them, one girl child aged about six years was born. The dispute between the family was resolved. So they filed the compromise petition for disposal of the instant criminal revision.

Learned advocate for the State submitted before this court as per direction of this court the officer in-charge of the concerned police station has enquired the de facto complainant and the victim girl and recorded their statement. The report contains the statement of the other witnesses, thus he submits that necessary order may be passed.

Heard the learned advocates and perused the statement recorded by the officer in-charge of the concerned police station as per direction of this court.

It appears that the instant criminal revision has been preferred for quashing of the proceedings being G.R. Case No. 1471 of 2016 arising out of Purbasthali Police Station Case No. 495 of 2016 dated 02.11.2016 under Section 370 of the Indian penal Code, 1860. The investigation of the police is ended in charge sheet and the matter is pending before the learned Additional Chief Judicial Magistrate, Kalna, Burdwan. However, the de facto complainant has submitted his statement before the I.O. as well as the O.C. of the concerned Police Station has recorded the statement of victim girl. Considering the entire facts and circumstances of the case, it appears that further proceeding of the instant criminal case would be a futile exercise of law. The victim girl is already residing with the son of the present petitioner after consumation of marriage.

Considering the same, I think there is merit to entertain this criminal revisional application.

Accordingly, the instant criminal revisional application alongwith CRAN 1 of 2023 are allowed.

The proceedings being G.R. Case No. 1471 of 2016 arising out of Purbasthali Police Station Case No. 495 of 2016 dated 02.11.2016 under Section 370 of the Indian penal Code, 1860 is hereby quashed.

Any order of stay passed by this Court during the continuation of the proceeding of the revisional application is also vacated.

All connected applications, if pending, are also disposed of.

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

(Subhendu Samanta, J.)