

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 653 of 2020

Saunak Ray

Vs.

The State of West Bengal & Anr.

For the Petitioner : Mr. Shamim Ahammed,
Mr. Arnab Sinha,
Ms. Gulsanwara Pervin,
Mr. Anko Bhattacharyya,
Mr. Amartya Basu.

For the State : Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen.

For the Opposite Party : Mr. Chandra Sekhar Banerjee,
No. 2 Mr. Shamit Dutta.

Heard on : 12.06.2023

Judgment on : 27.06.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of criminal proceeding and charge-sheet No. 192/16 dated 10.07.2016 under Sections 498A/406/341/34 of the Indian Penal Code arising from E.S.D., Kolkata, Police Station-Beliaghata, F.I.R. No. 74/16 dated

29.02.2016 pending before the Court of the Learned Judicial Magistrate, 1st Court at Sealdah.

2. The petitioner's case is that the petitioner is the legally married husband of the opposite party No. 2 and the marriage was solemnized under the provisions of the Special Marriage Act, 1954 on the 5th of December, 2014. There is no issue out of the said wedlock. The petitioner is an employee of Cognizant Technology solutions and the opposite party No. 2 is an employee of IBM India Pvt. Ltd.
3. The marital life of the petitioner and the opposite party No. 2 lasted for about 5½ months only, when the parties parted their ways voluntarily.
4. The opposite party No. 2 on 01.07.2015 wrote a letter to the petitioner requesting him to forgive and forget and restore the relationship.
5. Thereafter, the opposite party No. 2 through her Advocate wrote a letter again requesting the petitioner to restore the relationship. Though the said letter contained baseless allegations against the petitioner.
6. Since the petitioner did not agree to restore the relationship the opposite party No. 2 filed the present criminal case, 10 months after cutting off the relationship.
7. Since the opposite party No. 2 wanted back her stridhan properties, the petitioner through his Advocate on 15.09.2015 wrote a letter asking her to receive the same and for that to give a date, time and place.

8. The opposite party No. 2 received her stridhan articles but before that she filed the F.I.R. and got the stridhan seized and recovered.
9. Thereafter, on 18.07.2019 after a good deal of discussion, the petitioner and opposite party No. 2 filed a Matrimonial Suit being No. 71 of 2019 for divorce on mutual consent before the Court of the Learned Additional District Judge at Sealdah.
10. The opposite party No. 2 demanded Rs.2,00,000/- from the petitioner and received Rs.1,00,000/- when the matrimonial suit was filed.
11. In the said matrimonial suit, the opposite party No. 2 has admitted upon oath that she received all her stridhan articles, etc. and would not have any claim against the petitioner and that she would not proceed against the petitioner and other accused persons in the said criminal case initiated by her, which has been charge sheeted and is pending before the Learned Judicial Magistrate, 1st Court at Sealdah.
12. The petitioner states that on 06.02.2020 which was the date fixed for final hearing of the matrimonial suit, the opposite party No. 2 failed to appear before the Learned Court due to some reasons, but the proceeding is still pending.
13. **Mr. Shamim Ahammed, learned counsel for the petitioner** has submitted that the continuation of the criminal proceedings against the petitioner and others would be an abuse of the process of the Court if the same is allowed to continue and that in views of the written averments made upon affidavit by the opposite party No. 2, the continuance of the criminal proceedings following the charge-sheet deserves to be quashed.

14. The petitioner will suffer serious prejudice if the impugned criminal proceeding arising from the charge-sheet as aforesaid is not quashed.
15. **The present case was referred for mediation.** The final report of the learned Mediator dated 07.06.2023 has been placed and it is stated that **the mediation is SUCCESSFUL**. Terms of settlement filed by the parties is part of the report.
16. The present case is in respect of a proceeding under Sections 498A/406/341/34 of the Indian Penal Code.
17. Considering the said facts and the materials on record, **the present revision is disposed of in terms of the mediation report. Parties to take necessary steps before the appropriate forums as per terms of settlement in the mediation report.**
18. **CRR 653 of 2020 is accordingly disposed of.**
19. No order as to costs.
20. All connected applications, if any, stands disposed of.
21. Interim order, if any, stands vacated.
22. Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.
23. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)