

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**IA No.:CRAN/1/2023
in
CRR 961 of 2023**

**Samit Das & Ors.
Vs.
State of West Bengal & Anr.**

**For the petitioner : Mr. Anirban Dutta,
Mr. Abir Chakraborty**

**For the State : Ms. Faria Hossain,
Ms. Baisali Basu**

**For the opposite
Party No. 2 : Ms. Priyanka Mukherjee**

Judgement on : 10.04.2023.

Bibek Chaudhuri, J.

A criminal proceeding under Sections 498A/325/307/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act is sought to be quashed on the basis of a joint application for mutual settlement. Only non-compoundable offence is 307 of the Indian Penal Code. The petitioner has filed the injury report of the *de facto* complainant which shows that the injury received by the *de facto* complainant was simple in nature. Moreover, after initial treatment she was discharged from the hospital. Therefore, I do not

find any *prima facie* ingredient under Section 307 of the Indian Penal Code. A criminal case arising out of a matrimonial dispute can be settled in view of the guideline laid down by the Hon'ble Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai -Vs.- The State of Gujarat*** reported in **(2017) 9 SCC 641**. The State of West Bengal was directed to ascertain as to whether *de facto* complainant has settled the dispute without any threat or coercion. It is informed by the Inspector-in-Charge, Kandi Police Station by submitting a report through the learned Public Prosecutor-in-Charge that the *de facto* complainant has settled the dispute willingly and voluntarily. In view of such circumstances, the instant application is allowed.

Accordingly, further proceeding in connection with SSL Case No. 08/2023 corresponding to GR Case No. 191/2022 arising out of Kandi Police Station Case No. 55/2022 dated 27th January, 2022 under Sections 498A/325/307/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act be quashed.

The report submitted by the Inspector-in-Charge, Kandi Police Station be retained in record.

(Bibek Chaudhuri, J.)