

Item-
51. 20.12.2023
Aloke Court-34

C.R.R. 1060 of 2023

**Sunil Som & Ors.
Versus
The State of West Bengal & Anr.**

Mr. Santanu Maji
Ms. Subhayee Das
...for the petitioner
Mr. Arijit Ganguly
Mr. Sasnjib Kr. Dan
... for the State

Report was earlier submitted enclosing the statement of the de facto complainant/private opposite party Ms. Nilanjana Som (Das). Both in her statement and her declaration before the investigating officer of Malipanchghora P.S. as also recording officer of Malipanchghora P.S. the de facto complainant expressed her desire not to pursue with the case being Malipanchghora P.S. case no. 51 of 2021 dated 17.03.2021. As the charge-sheet was submitted under Sections 498A/323/325/307/406/34 of the Indian Penal Code and Section 4 of the D.P. Act, this Court intended to cross check the case diary in relation to the injury which has been sustained under Section 307 of the Indian Penal Code.

I have considered the injury report which is available in the case dairy and on an assessment of the same, I am of the view that although the police authority has incorporated Section 307 of the Indian Penal Code but to rely upon such injury report and to frame charges under Section 307 of the Indian Penal Code may not be possible as the ingredients are not

satisfied. As the case arises out of matrimonial discord and dispute and has been amicably settled between the parties, I am of the view that further continuation of the proceedings would cause harassment to both the parties.

Consequently, all further proceedings of Malipanchghora P.S. case no. 51 of 2021 dated 17.03.2021 including the charge-sheet filed therein before the learned Chief Judicial Magistrate, Howrah, is hereby quashed.

Accordingly, the revisional application being CRR 1060 of 2023 is allowed.

Pending 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.

(Tirthankar Ghosh, J.)

