

26.07.2023
Sl.No. 38
Ct. 33
Amalranjan

CRR 629 of 2014
With
CRAN 3/2023

Re: Bidyut Basu

Mr. Sandipan Ganguly
Mr. Rohan Ojha.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha.....for the State

Learned advocate for the State files a report submitted by the Officer-in-Charge, Amherst Street P.S. stating that the opposite party no. 2 was informed to be present before this court on the next date of hearing.

However, the opposite party no. 2 did not appear before the court.

Learned advocate for the petitioner submits that on the basis of a joint compromise petition a decree of divorce was obtained by the parties in Matrimonial Suit No. 64/2010 vide order dated 6th June, 2013 passed by the learned Additional Principal Judge, Family Court no. 2, Calcutta, being a joint petition of mutual settlement duly signed by both the parties and the appointed court counsel which was filed on 6.6.2013 duly signed by both the parties before the learned Judge, Family Court at Calcutta in Mat. Suit no. 64/2010 stated in paragraph 7(h) of the said application under Rule 45 of the Family Court (Calcutta High Court) Rules, 1990 as follows:

“h. That as per settlement both the parties will appear before the learned Additional Chief Metropolitan Magistrate, Calcutta on the next day of the date of passing decree of divorce by the learned Family Court Calcutta to file a joint compromise petition in connection with Amherst PS Case No. 131 dated 10.06.2009 under Section 498A/406 IPC. The petitioner no. 2/wife has agreed that she shall take all necessary steps to acquit the petitioner no. 1/husband and the father and sister of the petitioner no. 1/husband from the said criminal case vide Amherst PS Case no. 131 dated 10.06.2009 U/s. 498A/406 I.P.C. pending before the Learned ACMM Kolkata in terms of this settlement.”

In view of the above observations of the learned Judge, Family Court, Calcutta granting the decree of divorce on the grounds of the aforesaid settlement and the observations of the Apex Court reported in (2005) 3 SCC 299 (Ruchi Agarwal Vs. Amit Kumar Agarwal & Others) the instant revisional application is allowed.

The criminal proceedings concerning the Amherst Street PS Case no. 131 dated 10th June, 2009 being G.R. Case no. 996 of 2009 pending before the learned 4th Court Metropolitan Magistrate, Calcutta, is quashed.

Department is directed to send a copy of this order to the concerned trial court immediately for information.

(Ananya Bandyopadhyay,J.)