

04.01.2023
S/L No.40
KS

C.R.R.1192 of 2021
Ashish Kumar & Ors.
-Vs.-
The State of West Bengal & Anr.

Mr. Anirban Dutta
Mr. S. Sinha
Mr. M. Joshi
Mr. S. Joshi
Mr. K. Datta
.....For the Petitioner
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
.....For the State
Mr. S. De
.....For the O.P. No.2

The revisional application was preferred challenging the continuance of Jadavpur Police Station Case No.389/2018 dated 08.11.2018 under Sections 498A/ 406/ 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. On completion of investigation charge-sheet was submitted before the Jurisdictional Court.

The report of the concerned officer of Jadavpur Police Station states that he has received instructions over phone from the de facto complainant that she is not interested to pursue with the criminal case. The documents enclosed alongwith the revisional application also reflect that the application under Section 13B(1) of the Hindu Marriage Act has been allowed by the Learned Principal Judge, Family Court, Central District, TIS Hazari, Delhi on 18.09.2020.

Having regard to the change of circumstances, I am of the view that further continuance of Jadavpur Police Station Case No.389 of 2018 dated

08.11.2018 and the orders passed therein are unwarranted. The case arose out of matrimonial discord and there has been mutual divorce with consent of the parties as also an assent of withdrawal in respect of the criminal case given by the de facto complainant.

Accordingly, the proceedings being, A.C.G.R. Case No.5450 of 2018 arising out of Jadavpur Police Station Case No.389 of 2018 dated 08.11.2018 pending before the Learned Judicial Magistrate, 10th Court, Alipore, 24 Parganas (South) is hereby quashed.

Thus, the revisional application being, C.R.R.1192 of 2021 is hereby allowed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)