

D/L8
17.04.2023
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C.R.R.1208 of 2021

In Re: A petition under Sections 397/401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Goutam Kumar Bose @ Goutam Bose @
Goutam Basu and others
Versus
The State of West Bengal and another

Mr. Ayan Bhattacharjee,
Mr. Sharequl Haque,
Ms. Ritu Das,
Mr. Suman Majumdar.
...for the petitioners.

Mr. Ranabir Roychowdhury,
Mr. Mainak Gupta.
...for the State.

Mr. Amitava Dan.
...for the opposite party no.2.

The present revisional application was preferred challenging the proceedings arising out of Khardah Police Station Case No.956 of 2019 dated December 26, 2019 under Sections 498A/406 of the Indian Penal Code. Petitioners have also challenged the order refusing the charge in response to an application under Section 239 of the Code of Criminal Procedure preferred at the instance of the present petitioners.

Pursuant to the contention advanced by Mr. Ayan Bhattacharjee, learned advocate appearing for the petitioners and Amitava Dan, learned advocate appearing for the private opposite

party no.2, namely, Rittika Basu Bandopadhyaya, a report was called for.

Mr. Ranabir Roychowdhury, learned advocate appearing for the State has submitted a report. Report reflects that the de facto complainant, namely, Rittika Basu Bandopadhyaya do not intend to pursue the present criminal case as she has already filed a case for mutual divorce before the appropriate civil court.

Report so submitted by the Officer-in-Charge, Khardah Police Station, Barrackpore Police Commissionerate, be kept with the record.

Having regard to the nature of the proceedings which is restricted under Sections 498A/406 of the Indian Penal Code, I am of the opinion that the changed circumstances wherein the petitioner no.3/husband and the opposite party no.2/wife have decided to separately lead their lives in a fresh manner, the criminal proceedings should not be an embargo for the same.

Consequently, all further proceedings arising out of Khardah Police Station Case No.956 of 2019 dated 26.12.2019 under Sections 498A/406 of the Indian Penal Code including the order dated 31.03.2021 passed by the learned Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas is hereby quashed.

Accordingly, the revisional application being CRR 1208 of 2021 is allowed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)