

03-05-2023
Subha
Item no.02
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

**CRR 1994 of 2021
with
CRAN 7 of 2023**

***Deb Kumar Chakraborty & Ors.
-versus-
The State of West Bengal & Anr.***

In Re : An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure.

Mr. Ayan Bhattacharya
Ms. Reshmi Ghosh
Mr. Aranya Moullick
Mr. Soumya Sankar Chini
....for the petitioners.

Mr. S. G. Mukherji, ld. PP
Mr. Binay Panda
Ms. Puspita Saha
....for the State.

Mr. Arnab Sinha
Mr. Amartya Basu
..for the O. P. No.2.

Mr. Bhattacharya, learned advocate appears on behalf of the petitioners.

Mr. Panda, learned advocate appears on behalf of the State.

Mr. Sinha, learned advocate appears on behalf of the private opposite party.

Earlier, the police authorities submitted a report which reflected that the de facto complainant was willing to withdraw the case provided the case instituted by the present petitioners are withdrawn.

Mr. Bhattacharya, learned advocate appearing for the accused/petitioners submits that they have already withdrawn Case No. 522C of 2021 before the learned Judicial Magistrate, 1st court, Howrah.

Mr. Sinha, learned advocate appearing for the de facto complainant/opposite party no. 2 concedes to such contention.

It has also been submitted that another revisional application being CRR 1385 of 2023 has been preferred by the de facto complainant for quashing of the proceeding arising out of Cyber Crime Police Station (HPC) Case No. 04 of 2021 and the same is pending before a co-ordinate Bench of this court.

It is submitted by Mr. Bhattacharya, learned advocate and Mr. Sinha, learned advocate appearing for the petitioners and opposite party no.2 respectively that no other cases are inter se pending between the parties.

Having considered the fact that the present revisional application has been preferred at the instance of the de facto complainant on issues relating to matrimonial discord for which Kalighat P. S. Case No. 83 of 2021 dated 01.08.2021 was registered for investigation under Sections 498A/406/34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, I am of the view that further continuance of the said proceeding in view of the compromise arrived at between the parties is unwarranted as the same may cause miscarriage of justice.

Accordingly, all further proceedings arising out of Kalighat P. S. Case No. 83 of 2021 dated 01.08.2021 under Sections

498A/406/34 IPC and Sections 3 and 4 of the Dowry Prohibition Act is hereby quashed.

Thus, the criminal revisional application being CRR 1994 of 2021 along with CRAN 7 of 2023 is allowed.

Pending applications, if any, are disposed of accordingly.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]