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C.R.R.2675 of 2021

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Nepal Chandra Patra and another
Versus
The State of West Bengal and another

Mr. Subir Ganguly,
Mr. Sumanta Ganguly.
...for the petitioners.

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose.
...for the State.

Report submitted by the learned advocate for the State enclosing an affidavit and declaration to the effect that the de facto complainant/opposite party no.2 do not intend to pursue with Uttarpara Police Station Case No.450 of 2020 dated 03.12.2020 under Section 498A of the Indian Penal Code pending before the learned Judicial Magistrate, 5th Court, at Serampore, Hooghly. The reasons so assigned by the de facto complainant/opposite party no.2 is that the parties have moved separately in life after mutual divorce. Let the report be kept with the record.

In view of the reluctance of the de facto complainant/opposite party no.2 to pursue the present criminal case any further, I am of the opinion that as the criminal case arose out of matrimonial dispute further continuance of the proceeding would be an abuse of the process of court and may cause miscarriage of justice.

Accordingly, all further proceedings arising out of Uttarpara Police Station Case No.450 of 2020 dated 03.12.2020 under Section 498A of the Indian Penal Code corresponding to G.R. No.1869 of 2020 (T.R. No.421 of 2021) pending before the learned Judicial Magistrate, 5th Court, at Serampore, Hooghly, is hereby quashed.

Thus, CRR 2675 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.)