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24.09
2024
Ct. No. 237

C.R.R. 218 of 2022
Arup Dey
Vs.
The State of West Bengal & Anr.

Mr. Sysbugdi Vgattacgarta
Ms. Santa Bhattacharya

...For the Petitioners

Ms. Arundhuti Barati
Mr. Dhiman Banerjee

...For the Opposite Party No. 2)

Ms. Faria Hossain
Mr. Anand Keshari

...For the State

Re.: IA No. CRAN 1 of 2022

Report submitted by S.I. Gaighata P.S., Bongaon dated 09.9.2024 along with statement of de facto complainant rfeordred under Section 161 of the Cr.P.C. are taken on record.

Petitioner in the present application has prayed for quashing of the proceeding, being G.R. Case No. 3618 of 2018 presently pending before the learned Additional Chief Judicial Magistrate at Bongaon.

It has been submitted by the learned Counsel appearing on behalf of the de facto complainant that the present criminal proceeding was initiated by the mother of the victim with the allegation of kidnapping and wrongful confinement but during continuance of proceeding, the petitioner has married the alleged victim and they are now leading their matrimonial life peacefully. Accordingly, neither the victim nor the de facto complainant want to adduce evidence in support of the imputations leveled in the complaint and to that extent they have filed the present application, being IA No. CRAN 1 of 2022.

Mr. Anand Keshari, learned Counsel appearing on behalf of

the State referring the report sent by the S.I, Gaighata Police Station submits that de facto complainant stated before the Police that she does not want to proceed further with the instant criminal proceeding as she has amicably settled the dispute with the accused persons and her daughter has married accused Arup Dey on 02.12.2021.

From the facts and circumstances of the case it appears that nothing would happen to the trial of the case as the de facto complainant and the victim i.e. wife of accused has decided not to support the imputations made in the FIR. In such eventuality there would almost be no chance of conviction and as such it would not be proper to decline the exercise of power of quashing only on the ground that it would be permitting the parties to compound a non-compoundable offence.

It is the duty of the Court to encourage genuine settlements in matrimonial disputes and any hyper technical view would be counter-productive and would act against the interest of de facto complainant and the victim and as such if the said proceeding is quashed, it would not amount to over reach the law as provided in Section 320 of the Cr.P.C. Moreover, when the parties have been able to resolve their disputes amicably, I find no reason, why the Court would stand in their way of living together peacefully as husband and wife. The law is meant for the good of the society and it should always be applied at the backdrop of the need of the society.

In such view of the matter, I find that further continuance of

the present proceeding would be an abuse of process of Court.

In such view of the matter, C.R.R. 218 of 2022 along with the application, being IA No. CRAN 1 of 2022 are allowed.

The impugned proceeding, being G.R. Case No. 3618 of 2018 arising out of Gaighata Police Station Case No. 1272 of 2018 dated 8th December, 2018, presently pending before the Court of learned Additional Chief Judicial Magistrate at Bongaon, North 24-Parganas is hereby quashed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)