

06.09.2024.
02.
Ct. No.237
Bd.

CRR 981 of 2020

Gulam Mustafa & Ors.

-vs-

Mahhoob Alam @ Munna & Anr.

Mr. Asis Bhattacharyafor the petitioners.

Mr. Biswajit Mitra ... for the Opposite Party No.1.

This is an application filed by the accused/petitioners for quashing of the complaint case being 10 of 2020 under sections 506/504/323 of the Indian Penal Code presently pending before the learned 5th Judicial Magistrate, Sealdah.

The allegation leveled against the petitioners/accused persons is that the opposite party was married with one Sama Parvin on 13.10.2015. Said Mrs. Parvin, lodged one case before learned 1st Judicial Magistrate Court, Vaishali, under section 498A being Complaint Case No. 1799 of 2016. The present case was initiated by the husband/complainant under sections 323/504/506 of the Indian Penal Code which is pending before learned Additional Chief Judicial Magistrate, Sealdah.

It is further submitted that the matrimonial dispute between the parties have been amicably settled and as such,

the wife has already withdrawn the above mentioned case no. 1799 of 2016 from Vaishali Court.

Learned counsel for Mahhoob Alam @ Munna/ opposite party herein submits that in view of amicable settlement of the matrimonial dispute he has no objection if the present criminal proceeding initiated by him, gets quashed and to that extent he has filed an application being CRAN 01 of 2023.

Learned counsel appearing on behalf of opposite party further submits that since the matter has been amicably settled between the parties and as such, the witnesses of the complainant have decided not to depose against the petitioners and for which continuance of further proceeding by the Court below would be a mere abuse of process of court.

Having considered the submissions made on behalf of the parties and in view of the special feature of this case that parties have amicably settled their matrimonial dispute and the complainant and his witnesses have decided that they will not depose against the petitioners, it is not expedient and in the interest of justice to permit the present criminal proceeding to continue as no useful purpose is likely to be served by the trial. It is true that Section 498A of Indian Penal Code is not a compoundable offence but in view of

present circumstances of the case, ends of justice is to be regarded higher than the ends of mere law, though justice must always be administered according to laws made by the legislature. Considering such special circumstances I find that continuance of present proceedings any further will be an abuse of process of Court.

In such view of the matter, CRR 981 of 2020 along with CRAN 01 of 2023 are allowed.

All further proceeding of complaint case no. 10 of 2020 pending before learned 5th Judicial Magistrate, Sealdah, South 24 Parganas, is hereby quashed.

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

(Ajoy Kumar Mukherjee, J.)