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2024
Ct. No. 237

C.R.R. 2202 of 2017
Sinchan Sarkar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Ramdulal Manna
Mr. Sayan Mukherjee

...For the Petitioners

Mr. Kalidas Saha
Ms. Mandira Mandal

...For the Opposite Party No. 2)

Ms. Faria Hossain

...For the State

Re.: IA No. CRAN 10 of 2024

It is submitted that petitioner No. 2, died during pendency of the application.

Accordingly the name and description of the petitioner No. 2 be expunged from the cause title of the application.

This main application, being C.R.R. 2202 of 2017 has been preferred by the accused petitioners with a prayer for quashing of the proceeding, being G.R case no. 564 of 2017 presently pending before learned Chief Judicial Magistrate, Cooch Behar.

The opposite party No. 2/de facto complainant lodged the complaint alleging, inter alia, that the husband of the de facto complainant created pressure upon her for bringing money from her father and as de facto complainant/opposite party No. 2 refused to bring the same, her husband inflicted physical and mental torture upon her. On the basis of the aforesaid allegation, a case has been registered with the Tufanganj Police Station, being Tufanganj Police Station Case No. 231 of 2017 dated 31st May, 2017 under Section 489A of the Indian

Penal Code.

It is submitted that during investigation, the parties have amicably settled their dispute and to that extent the de facto complainant has filed a compromise petition, being IA No. CRAN 10 of 2024, wherein the de facto complainant/opposite party No. 2 has also prayed for quashing the aforesaid proceeding.

In the said application for compromise, opposite party No. 2 has specifically stated that she is presently residing with her husband/respondent No. 1 along with her son and she has also expressed her apology for the act of filing the second complaint for the self-same offence against the petitioners. She further stated that after restoring the matrimonial relationship, there is no dispute at present among the parties and they are living peacefully along with their child. Learned Counsel appearing on behalf of the petitioner /husband also submits that the earlier criminal proceeding on the basis of self-same allegation against the petitioner has already been ended in acquittal.

Learned Counsel appearing on behalf of the State submits that the dispute by and between the parties is purely a family dispute and also private one and the parties have amicably settled their dispute and restored their matrimonial relationship and residing as husband and wife and as such the State does not want to stand in their way and accordingly prayed for passing necessary order.

On facts, it is noticed that *de facto* complainant tendered

apology for initiating second FIR in respect of same allegation and in view of their present peaceful matrimonial life there is no reasonable livelihood of the petitioners/accused being convicted of the offence. The wife has decided not to support the imputations made in the F.I.R as she has resolved dispute with her husband and with her in-laws and she started living with her husband. In such cases, refusal to exercise inherent power under section 482 of Cr.P.C, only on the ground that the offence is not compoundable, may become counterproductive and may also go against the inherent object of introduction of chapter XXA in the I.P.C.

In such view of the matter, CRR 2202 of 2017 along with the application, being IA No. CRAN 10 of 2024 are allowed.

The criminal proceeding, being G.R. 564 of 2017 arising out of Cooch Behar Women Police Station Case No. 129 of 2017 dated 1st June, 2017 under Section 489A of the Indian Penal Code 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.)