

12.03.2024
Serial no. 6
[G.S.D]

CRR 3994 of 2023
With
CRAN 1 of 2023

In the matter of : Ruhul Amin & Ors.
... .. Petitioners

Mr. N. Rahber
Mr. Amit Ranjan Pati
Ms. S. Chowdhury ... for the petitioners

Md. Jawaad ... for the O.P. No.2

Mr. Debasish Roy, Ld. PP
Mr. Arijit Ganguly
Ms. Sayanti Santra ... for the State

Report submitted by the Id. Public Prosecutor be kept with the record.

The report encloses a declaration as well as the statement recorded of one Lalbanu Khatun.

The report reflects that the defacto-complainant do not intend to proceed with the present case being Itahar P.S. Case No. 537 of 2022, as the dispute arose out of matrimonial discord and, presently, the couple are residing together.

I have considered the materials appearing in the records so far as the incorporation of section 307 of the IPC is concerned.

Having regard to the injuries referred to therein, I am of the view that there is no applicability of section 307 of the IPC.

Considering that the couple is united and they are residing together and as there has been amicable settlement, the continuation of further proceedings are, therefore, unwarranted.

Accordingly, all further proceedings of Itahar P.S. Case No. 537 of 2022 dated 18.10.2022 under sections 498A/323/307/313 of the IPC including the charge-sheet which was submitted only under section 498A of the IPC and is pending before the Id. CJM, Raiganj, Uttar Dinajpur, is hereby quashed.

With the aforesaid observations, CRR 3994 of 2023 along with CRAN 1 of 2023 is allowed.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)