

CRR 3459 of 2017
With
CRAN 1 of 2017(old CRAN 4392 of 2017)

Sariful Islam Mallick & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Abhijit Sarkar
Mr. Raja Biswas ...for the petitioners

Mr. Imran Ali
Ms. Sana Naaz ...for the State

Report submitted by the Investigating Officer is taken on record.

This is an application wherein the petitioners have prayed for quashing of charge-sheet being no. 127 of 2016 dated 28.2.2026 in connection with Bhangor Police Station case no. 36 of 2016 dated 11.1.2016, presently pending before the learned Additional Chief Judicial Magistrate, Baruipur, South 24 parganas.

It is submitted on behalf of the petitioners that the Investigating Officer after completion of investigation, has submitted charge-sheet against the present petitioners/accused persons. However, during pendency of the present application, the parties have entered into an amicable settlement and to that extent they have filed one application being CRAN 1 of 2017. In the said application both of them have prayed for quashing of the said proceeding, since the parties have amicably settled their dispute and since the defacto-complainant has decided not to adduce evidence in support of the allegation levelled in the complaint.

This court directed the Investigating Officer to record statement of the complainant and other witnesses about the aforesaid amicable settlement. The statements recorded by the Investigating Officer under Section 161 of the Code of Criminal Procedure, shows that the parties have amicably settled their dispute and the matrimonial relationship has also been dissolved and the complainant has remarried and now residing peacefully with her husband and interms of amicable settlement decided to withdraw pending cases between the parties.

Having considered the aforesaid special circumstances of the case, it appears to me that the continuance of further proceedings will be mere abuse of the process of court, in view of the fact that the parties have amicably settled their dispute and the complainant has decided not to adduce evidence in support of the prosecution case.

In the above mentioned circumstances, the conviction of the accused persons is bleak, even if trial is allowed to be continued and as such, I find that this is a fit case where the proceeding is to be quashed invoking jurisdiction of this court under section 482 of the code.

In such view of the matter, CRR 3459 of 2017 is allowed. In view of disposal of main application, the connected application being CRAN 1 of 2017 is also disposed of.

Let the criminal proceeding being G.R. case no. 342 of 2016 in connection with Bhangor Police Station case no. 36 of 2016 dated 11.1.2016, presently pending before the learned Additional Chief Judicial Magistrate, Baruipur, South 24 parganas is hereby quashed.

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

(Ajoy Kumar Mukherjee, J.)