

42-43.
02-08-2024
(ct. no.550)
debajyoti

CRR 1109 of 2022

Re : An application under Section 482 read with Section 401
of the Code of Criminal Procedure.

-And-

In the matter of : Ayan Mondal & Ors.

.... Petitioners.

with

CRR 4547 of 2023

Re : An application under Section 482 read with Section 401
of the Code of Criminal Procedure.

-And-

In the matter of : Ayan Mondal & Ors.

.... Petitioners.

Mr. Bibaswan Bhattacharya

... For the Private Opposite Party in
both the revisional applications.

Mr. Arijit Ganguly,
Ms. Sujata Das

... For the State in CRR/1109/2022.

Mr. Arijit Ganguly

... For the State in CRR/4547/2023.

Re : CRR 1109 of 2022

The learned counsel for the State is present along
with the Case Diary. The learned counsel for the private
opposite party/wife is also present.

None appears on behalf of the petitioners.

It appears from the record that on several occasions,
the petitioner/husband remained absent. For the sake of
justice, I have considered the contention made in the instant
revisional application wherein the petitioner/husband has
submitted that charge sheet filed in Kalyani Police Station

Case No.212 of 2018 dated 29-06-2018 corresponding to G. R. Case No.497 of 2018 under Sections 498A/406 of the Indian Penal Code pending before the learned Judicial Magistrate, 1st Court at Kalyani, be quashed. In the said petition, it is further submitted that the marriage tie between the parties has been dissolved by a decree of divorce on mutual consent.

The learned counsel, appearing for the wife, has submitted that he is opposing the prayer for quashing the relevant charge sheet, since the petitioner/husband did not hand over the *stridhan* articles as per the terms of mutual agreement which had taken place before the mediator.

The learned counsel for the State has also submitted that there are sufficient materials against the present petitioners for which she is opposing the prayer for quashing the relevant charge sheet in the G. R. Case No.497 of 2018.

I have gone through the materials on record and it is found that charge sheet has been filed and the matter has not yet been settled in its entirety. In view of such materials on record, I am not inclined to allow the prayer as made out in the instant revisional application. Accordingly, the revisional application being **CRR 1109 of 2022** is **dismissed**.

Re : CRR of 4547 of 2023

The learned counsel for the private opposite party wife is present. The learned counsel for the State is also present. None appears on behalf of the petitioners.

The learned counsel, appearing for the private opposite party/wife, has submitted that in spite of agreement before the mediator, the petitioner/husband did not hand over the *stridhan* articles of his client, for which a separate complaint case being no.C/485/2022 under Section 406 of the Indian Penal Code has been filed and the same is pending

before the learned Court of Judicial Magistrate at Kalyani, District-Nadia. If the instant proceeding is quashed, then it would be difficult for his client to get back the *stridhan* articles.

The learned counsel for the State has left the matter to the discretion of the Court.

I have considered the materials on record and it *prima facie* appears that one G.R. Case is pending before the Judicial Magistrate, 1st Court at Kalyani under Section 498A/406 of IPC and the present case has also been initiated under Section 406 of IPC before the learned Court of Additional Chief Judicial Magistrate, Kalyani on the ground that the petitioner/husband did not respect the terms of the proposed settlement which was taken place before the learned mediator. However, as the petitioners are not appearing to argue their case, I think that the matter should be disposed of by giving direction to the Additional Chief Judicial Magistrate to dispose of both the cases in accordance with law after withdrawing the same to his file from the courts of the concerned Judicial Magistrates under Section 450 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (under section 410 Criminal Procedure of Code, 1973), unless both the cases are pending before the self-same Judicial Magistrate Court at Kalyani. If both the cases are assigned to the self-same Judicial Magistrate, in that event the concerned Judicial Magistrate is requested to dispose of both the matters in accordance with law without granting unnecessary adjournments.

CRR 4547 of 2023 is, thus, disposed of without, however, any order as to costs. Interim order, if any, stands vacated.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

The learned Advocates of the parties are to inform this order to the concerned courts at Kalyani at once.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)