

D/L209
07.02.2024
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C.R.R.4654 of 2023
With
CRAN 1 of 2023

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

Dipak Halder and another
Versus
The State of West Bengal and another

Mr. Susnigdho Bhattacharyya.
...for the petitioners.

Mr. Koushik Kundu.
...for the State.

Ms. Bidisha Chakraborty.
...for the opposite party no.2.

Earlier on 12.12.2023 the matter was taken up and a report was called for. The report submitted by Mr. Koushik Kundu, learned advocate appearing for the State enclosing the communication made to the Officer-in-Charge, Bidhannagar Women Police Station be kept with the record.

The contents of the communication reflects that the lady/the opposite party no.2 do not intend to proceed with the case being Bidhannagar Women Police Station Case No.46 of 2019 dated 31.07.2019 wherein the investigating agency on conclusion of investigation submitted charge-sheet.

I have assessed the case diary particularly with regard to the injuries referred to therein as the investigating officer submitted charge-sheet under Section 307 of the Indian Penal Code. On scrutiny of the same, I find that in the injury report there were

certain abrasions and allegations of being hit by fist and blows. In the complaint, there was an allegation regarding the husband attempting to gag the neck of the opposite party/wife.

However, as both the parties are presently residing together and injuries complained of do not fall within the Section 307 of the Indian Penal Code, I am of the opinion that the continuation of the proceedings may have impact on the marital life of the couple. Accordingly, for larger interest of the society and for ends of justice, I am of the view that the continuation of the proceedings would result in unnecessary hardship and, as such, the same should be interfered with.

Accordingly, all further proceedings of Bidhannagar Women Police Station Case No.46 of 2019 dated 31.07.2019 including the charge-sheet submitted therein and pending before the learned ACJM, Bidhannagar, North 24 Parganas be hereby quashed.

Consequently, CRR 4654 of 2023 along with CRAN 1 of 2023 is allowed.

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

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

(Tirthankar Ghosh, J.)

