

SL 2
22.05.2024
Ct. No.3
Sbghosh

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction
Appellate Side**

**CRR/179/2024
IA NO: CRAN/1/2024**

**KRISHNA MANGAR
Versus
THE STATE OF WEST BENGAL AND ANR.**

Mr. Rajesh Kumar Sharma, Adv.
...for the petitioner

Mr. Janardhan Periwai, Adv.
Mr. B. Sharma, Adv.
... for the respondent No. 2

Mr. Nilay Chakraborty, Adv.
Mr. Ujjwal Lukson, Adv.
...for the State

Mr. Rajesh Kumar Sharma, learned Counsel, is appearing for the petitioner, Mr. Janardhan Periwai, learned Counsel, is appearing for the respondent No. 2 and Mr. Nilay Chakraborty, learned Counsel, is appearing for the State.

The petitioner has filed the present application being CRR/179/2024 praying for quashing of proceeding of Kurseong Police Station case No. 104 of 2023 dated 22nd July, 2023 under Sections 313 /323 /354 /354(B) /498(A)/ 506 /509 of the Indian Penal Code read with Section

3(1)(e)(g), 3(2)(v)(vii) of the Schedule Castes and the Schedule tribes (Prevention of Atrocities) Act, 1989, Corresponding to Special G.R. Case No. 22 of 2023, pending before the learned Additional Session Judge 1st Court cum Special Court under The Schedule Castes and The Schedule Tribes Act, 1989 at Darjeeling.

Counsel for the petitioner submits that on the basis of written complaint of the wife, the police of P.S Kurseong had registered the above case. Though the FIR had initiated under Section 313 of the G.P.C. but after the recording the the statement of complaint under Section 164 on the prayer of the Investigating Officer Section 313 has been deleted.

Learned Counsel for the petitioner submits that this is the dispute between the husband and wife and after the initiation of above case, the petitioner and his wife are residing together and have settled their disputes.

By an order dated 21st May, 2024 this Court has directed the petitioner and the wife of the petitioner to be present before this Court. Accordingly, both are present.

This Court has examined the de facto complainant who is the wife of the petitioner and she has submitted that she has settled her disputes with her husband and she is not intending to proceed with the matter. She further stated that if the case is closed she has no objection as she is residing with her husband and leading happy married life.

Learned Counsel for the State also submitted that during the investigation also it has been found that the petitioner and the de facto complainant are residing together and have settled their disputes.

Considering the facts and circumstances mentioned above and the statement of de facto complainant, this Court finds that no purpose would be served if the case continues before the learned Additional Session Judge cum Special Judge under (SC & ST Act) at Kurseong. Accordingly, Kurseong Police Station case No. 104 of 2023 dated 22nd July, 2023 pending before the Learned Court of Additional Session Judge, 1st Court cum Special Court under the Schedule Castes and the Schedule Tribes Act, 1989 being Special G.R. Case No. 22 of 2023 is set aside and quashed and the petitioner is discharged from the bail bond.

CRR/179/2024 is disposed of.

(Krishna Rao, J.)