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2024  
Ct. No. 3

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction**

**C.R.R. 199 of 2024**  
With  
IA No. CRAN 1 of 2024  
**Tashi Phuntsok Bhutia**  
Vs.  
**The State of West Bengal & Anr.**

|                                                                    |                                        |
|--------------------------------------------------------------------|----------------------------------------|
| <i>Mr. Janardan Periwal</i>                                        | <i>...For the Petitioner</i>           |
| <i>Mr. Aditi Shankar Chakraborty</i><br><i>Mr. Kallol Acharjee</i> | <i>...For the State</i>                |
| <i>Mr. Deborshi Dhar</i><br><i>Mr. Bickey Sharma</i>               | <i>...For the Opposite Party No. 2</i> |

Parties are represented.

Leave is granted to the petitioner to correct the name of the Court below in the cause title of the application.

This application relates to prayer for quashing of the criminal proceedings against the present petitioner, arising out of Pradhan Nagar Police Station Case No. 1006 of 2021 dated 18.12.2021 under Sections 498A, 307, 406 465 and 468 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act, 1961, which ultimately culminated into filing of Charge Sheet under Section 498A and 323 of the Indian Penal Code, corresponding to G.R. Case No. 5796 of 2021, which is presently pending before the learned Judicial Magistrate, 1<sup>st</sup> Court at Siliguri.

It is submitted that the charge has not yet been framed by the Trial Court. Meanwhile, the parties have amicably settled their dispute

and de facto complainant have wiped out all her allegations against the petitioner at the instance of the well-wishers and thereby they have dissolved their matrimonial tie. It is submitted on behalf of both the parties that though they have settled their dispute amicably but due to the pendency of sad criminal case against the petitioner, there has been a continuous and unwarranted interference of the police authorities disturbing both the parties to make plan for their respective future life. It is further submitted that in view of the amicable settlement between the parties, there is hardly any chance of recording conviction against the present petitioner and the further trial against the present petitioner in connection with the present case is destined to be an exercise in futility. It is also submitted by both of them that since defacto complainant is not interested to proceed further, the continuation of the instant criminal case against the petitioner would amount to abuse of process of law. So both the petitioner/husband and the private opposite party/wife submits that the aforesaid proceeding may be quashed.

Learned Counsel appearing on behalf of the State on instruction submits that the State has got no objection if the proceeding is quashed since the parties have amicably settled the dispute amongst themselves and both of them are not interested to proceed with the said proceeding.

Having considered the facts and circumstances of the case and in view of amicable settlement arrived at between the parties it appears

that there is no reasonable likelihood of the accused being convicted of the offence because wife/private opposite party is not intending to support the imputations made in the FIR. Since defacto complainant parted company and is living happily on her own after dissolving her earlier marriage with the petitioner and upon hearing the parties as it appears to me that chances of an ultimate conviction is bleak and no useful purpose is likely to be served by allowing present criminal proceeding to continue, I find no reason to decline to exercise power of quashing merely on the ground that it would be permitting the parties to compound non compoundable offences. On the contrary I am of the view that non-exercise of inherent power in such cases to quash the proceeding to meet the ends of justice, would prevent defacto complaint from settling earlier and may frustrate the object of chapter XX-A of the Indian Penal Code.

In such view of the matter, G.R. Case No. 5796 of 2021 presently pending before the learned Judicial Magistrate, 1<sup>st</sup> Court at Siliguri is hereby quashed.

The main application, being C.R.R. 199 of 2024 along with the application, being IA No. CRAN 1 of 2024 are accordingly disposed of.

***(Ajoy Kumar Mukherjee, J. )***