

03.12.2024  
SL No.18  
Court No.3  
S.Gayen

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

**CRR 215 of 2024**

**Shri Narayan Biswas  
Versus  
The State of West Bengal & Anr.**

Mr. Khushi Kundu

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP  
Mr. Abhijit Sarkar

...for the State.

Mr. Sayantan Bhowmik

...for the Opposite Party No.2.

1. The instant application has been filed with a prayer for quashing of the FIR, being Falakata P.S. Case No.83 of 2024 dated 2<sup>nd</sup> March, 2024 under Section 498A of the Indian Penal Code.
2. It is a petitioner's case that the petitioner was married to the opposite party No.2 on 13<sup>th</sup> October, 2023 and subsequently the petitioner shared the matrimonial home with the opposite party No.2 at Bangalore for barely one month. The opposite party No.2 claims that the petitioner had treated her with extreme cruelty during the said period. Subsequently, after the opposite party No.2 left the matrimonial home, a complaint was

lodged on 2<sup>nd</sup> March, 2024 at Falakata Police Station and a final report in the form of a charge-sheet bearing no. 122 of 2024 dated 28<sup>th</sup> March, 2024 was also filed. The same is pending adjudication in GR No. 379 of 2024 before the learned Additional Chief Judicial Magistrate, Alipurduar. Claiming that the petitioner had been falsely implicated, the above application was filed. It is in those facts, a Coordinate Bench of this Court vide order dated 8<sup>th</sup> July, 2024 while entertaining the application had stayed the impugned proceedings being Falakata P.S. Case No.83 of 2024 dated 2<sup>nd</sup> March, 2024, G.R. Case No. 379 of 2024, presently pending before the learned Additional Chief Judicial Magistrate at Alipurduar. The said stay is continuing till date.

3. On 2<sup>nd</sup> December, 2024 when the matter was taken up for consideration though the parties by relying on a supplementary affidavit affirmed by the petitioner on 24<sup>th</sup> September, 2024 had contended that the parties had agreed to settle the dispute *inter se* between themselves since, the original of the agreement dated 17<sup>th</sup> August, 2024, a copy thereof was annexed to the supplementary affidavit, was not recorded, the matter was adjourned.
4. Today, the learned advocates appearing for the petitioner and the opposite party No.2 have placed before this Court an email communication issued by the petitioner addressed to the petitioner's advocate confirming the factum of execution of an agreement dated 17<sup>th</sup> August, 2024, wherefrom it would

transpire that the parties have agreed to file mutual divorce petition and have also agreed to withdraw the respective complaints made against each other. The particulars of the complaints which the petitioner and the opposite party No.2 have agreed to withdraw, are detailed in condition No.5 of the aforesaid agreement and the same includes the above complaint dated 2<sup>nd</sup> March, 2024 under Section 498A of the Indian Penal Code.

5. It would also transpire from the above agreement that the opposite party No.2 has agreed to accept permanent alimony of Rs.9,00,000/- (Rupees nine lakhs) only, out of which Rupees one lakh has already been paid and Rupees four lakhs shall be paid on the date of filing of the petition for mutual divorce in the month of January, 2025, and the remaining balance of Rs.4,00,000/-(Rupees four lakhs) shall be paid on the date of final hearing of the divorce proceeding. The copy of the aforesaid agreement has been authenticated by the opposite party No.2 and her signature is appearing in original on the document and the same has been identified by her advocate, Mr. Sayantan Bhowmik. The petitioner's advocate, Ms. Khushi Kundu has also countersigned the aforesaid document.
6. Since, it appears from the above that there has been irretrievable break down of marriage and the parties have agreed to withdraw the respective complaints made against one and other, proceeding further on the basis of the FIR No. 83 of 2024 under Section 498A of the Indian penal code, 1860

registered at Falakata P.S., District Alipurduar and the final report bearing No. 122/2024 in connection with G.R. No. 379 of 2024 would be an exercise in futility. As such in the interest of justice it is necessary that the disputes between the parties be put to an end for restoring peace. The law in this context is well settled as would appear from the judgment delivered by the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and Anr.*** reported in **(2012) 10 SCC 303**.

7. The learned advocate for the State raised no objection as regard the settlement between the parties.
8. Having regard thereto, the FIR No. 83 of 2024 under Section 498A of the Indian Penal Code, 1860 registered at Falakata P.S., District Alipurduar along with the final report bearing No. 122/2024 in connection with G.R. No. 379 of 2024 under Section 498A of the Indian Penal Code now pending before the learned Additional Chief Judicial Magistrate at Alipurduar be quashed.
9. With the above observations, the instant application being CRR 215 of 2024 stands disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with requisite formalities.

**(Raja Basu Chowdhury, J.)**