

C.R.R. 121 of 2023
Narayan Adhikary & Ors.
Vs.
State of West Bengal & Anr.

Mr. Monish Sen
Ms. Oisani Mukherjee

...For the Petitioners

Mr. Debasish Roy, Learned PP
Mr. Arijit Ganguly
Ms. Debjani Sahu

...For the State

Receipt of notice of intimation to the private opposite party as filed on behalf of the petitioners is taken on record.

The petitioners / accused persons / in-laws of the victim, have challenged the impugned proceeding, being Andal Police Station Case 389 dated 6.10.2022 under Sections 498A/323/406/506/34 of the Indian Penal Code, in the present application.

It is submitted that during pendency of the present Application, parties have amicably settled their present matrimonial dispute and to that extent a 'memorandum of understanding' has been executed by and between the parties on 2nd April 2024, which is also signed by both the parties.

This Court by its earlier order directed the concerned Police Station to record statement of the de facto complainant. Accordingly concerned Police Station has recorded the statement and forwarded it today, which discloses that the de facto complainant does not want to pursue the aforesaid Andal Police Station Case 389 dated 6.10.2022 any further.

On perusal of memorandum of understanding it appears that

the parties have mutually agreed that the husband shall pay Rs. 14,00,000/- to the wife towards life-time further maintenance of wife and their daughter and thereby they have also decided to dissolve the marital tie by way of mutual divorce.

The materials available in the case record shows that the dispute is purely a personal one between the husband and the wife and present petitioners are the in-laws of the wife. Therefore, no public policy involved in the nature of allegations made against the present petitioners.

In *Gian Singh Vs. State of Punjab and Anr.*, reported in (2012) 10 SCC 303, Supreme Court held that offences arising from commercial, mercantile, civil, partnership or like transaction or offences arising out of matrimony relating to dowry etc. or family disputes where the wrong is basically private or personal in nature and parties have resolved their entire dispute, High Court may invoke power under Section 482 of the Cr. P.C., if it appears that the continuation of criminal proceeding would tantamount to abuse of process of law.

Having considered the above-mentioned circumstances of the case, I am of the view that no useful purpose would be served in continuing with the proceeding in the light of the compromise and also in the light of the fact that the complainant has expressed her unwillingness to proceed further with the case and as such possibility of a conviction of the petitioners, who are in-laws are remote.

In such view of the matter, Andal Police Station Case 389 dated 6.10.2022, corresponding to G.R. No. 1874 of 2022 presently pending before the learned Additional Chief Judicial Magistrate, Durgapur, Paschim Bardhaman is hereby quashed, qua the petitioners herein, namely, **Narayan Adhikary, Pradip Adhikary, Pradir Adhikary, Banshi Adhikary, Smt. Chandana Adhikary, Sudip Adhikary and Gourango Adhikary @ Laltu.**

CRR 121 of 2023 thus stands disposed of.

Let the report submitted by the Officer-in-Charge, Andal Police Station and copy of the ‘memorandum of understanding’ filed in Court today be taken on record.

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

(Dr. Ajoy Kumar Mukherjee, J.)