

D/L 26
25.06.2025
Ct. No.446
Saikat

CRR/450/2015

**SUDHIR SINGH & ORS.
VS.
STATE OF WEST BENGAL & ANR.**

Ms. Sarmistha Basak, Adv.

...For the Petitioner

Mr. Suman De, Adv.

...For the State

1. This is an application under section 482 of the Code of Criminal Procedure for quashing criminal proceeding being G.R. Case No.1198 of 2014 pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah, arising out of the Uluberia Police Station Case No.387 of 2014 dated 24th May, 2014, under section 498A/406/34 of the Indian Penal Code.
2. The matter was directed to go out of list since none appears on behalf of the petitioners. Thereafter, on 11th January, 2016, the Petitioner No.1 intimated the Court that a proceeding for restitution of conjugal right against the Opposite Party No.2 under section 9 of the Hindu Marriage Act has been initiated. Accordingly, proceeding was directed to be stayed for 8 weeks. On 25th February, 2022, the matter appeared as 'Contested Application' and the petitioners were directed to serve fresh notice through Registered Post with A/D. On 11th March, 2022, an adjournment was sought for by Mr. Mayukh Mukherjee, the learned advocate appeared on behalf of the petitioners on the ground of production of

translated copies of the documents in Hindi. Thereafter, on 1st April, 2022, the matter was listed and an accommodation was sought for producing translated document. Subsequent thereafter, on 20th June, 2022, the learned advocate for the petitioner, Mr. Mayukh Mukherjee sought for an accommodation again to file supplementary affidavit which was allowed. On July 25, 2022, the matter was dismissed for default since none appeared on behalf of the petitioners. Thereafter, on 21st June, 2023, an application for restoration was filed and the prayer for restoration was allowed on 14th September, 2023. The learned advocate Mr. Mayukh Mukherjee, appeared for the petitioners on 17th November, 2023 and informed the Court about filing of a complaint in the same nature by the *de facto* complainant before the Officer-in-Charge, Women Police Station, Raipur, Chattisgarh. Accordingly, State was directed to place certain information. After that on 2nd January, 2024, the learned advocate appeared on behalf of the petitioners submitted that dispute between the parties has been patched up and they would file joint compromise petition. Thereafter, on various occasion the same prayer to file joint compromise petition was made and accommodations were sought for on the same plea. On 17th March, 2025, an accommodation was also sought for on the ground of Mr. Mayukh Mukherjee, learned advocate for the petitioners. Again on 18th March, 2025, an adjournment was sought for on the pretext of settling the matter amicably before the learned court below. Thereafter, on two occasions the same prayer was made and subsequently on 24th June,

2025, when the matter was called on the same prayer was made and direction was given as a last chance. Today also Ms. Sarmistha Basak, learned advocate appearing for the petitioners prays for further adjournment and also prays that the matter to go out of the list.

3. This Court fails to understand what prevented the parties to file the necessary document for the amicable settlement before the court below. The matter pertains to alleged complaint lodged against the present petitioners by the *de facto* complainant under section 498A/406/34 of the Indian Penal Code and it is pending since 2015.
4. In view of the chequered history of the matter, this Court finds no ground to consider the prayer and the instant revisional application stands dismissed for default.
5. Interim order, if any, stands vacated.
6. Let a copy of this order be communicated to the learned Additional Chief Judicial Magistrate, Uluberia, District-Howrah for his information in connection with G.R. Case No.1198 of 2014.

[Chaitali Chatterjee (Das), J.]