

**CRR 1037 of 2022
with
CRAN 1 of 2024**

**Shabnam @ Shabnam Banoo & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Rahul Chachar Mr. Abdul Zahid	...for the petitioners
Mr. Mohammed Amin Mr. Ghulam Muztaba Md. Manjabeen	for the O.P. no. 2
Mr. Imran Ali Ms. Debjani Sahu	...for the State

Report submitted by the State is taken on record.

It appears from the report that the police has recorded the statement of the complainant under Section 161 of the Code of Criminal Procedure where she discloses that with the intervention of the well-wishers, the dispute has been settled among themselves and they agreed to resume their matrimonial tie on execution of terms of settlement/agreement dated 4th February, 2023 and they are now peacefully residing along with their child.

Learned counsel for the opposite party/de facto complainant on instruction prays for allowing the prayer for quashing the proceeding.

Learned counsel for the State submits that when the parties have amicably settled their private matrimonial

dispute and have restituted their conjugal life the State does not want to stand in their way.

Having considered the facts and circumstance of the case and that in view of amicable settlement arrived at by and between the parties, there is hardly any chance of conviction in the present proceeding and in such circumstances refusal to quash proceeding, only on the ground that offence is not compoundable, may become counter-productive, which is not the object of incorporating chapter XXA in the IPC, and as such, further continuation of the present proceeding will be a mere abuse of process of court and as such I find that the prayer made by the petitioner/accused person is required to be allowed for the ends of justice.

Accordingly, CRR 1037 of 2022 along with CRAN 1 of 2024 are allowed.

Let the impugned proceeding being CGR case no. 2170 of 2021 arising out of Karaya police Station case no. 218 of 2021 dated 5th August, 2021 stands quashed.

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

(Dr. Ajoy Kumar Mukherjee, J.)