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16.04
2025
Ct. No. 29

C.R.R. 2257 of 2021
With
IA No. CRAN 1 of 2025
Sanjib Das Pattanayak & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Saryati Datta
Mr. Biswajit Manna
Ms. Rajnandini Das
Mr. Chitrak Biswas

...For the Petitioners

Mr. Arijit Ganguly
Ms. Debjani Sahu

...For the State

Mr. Soumya Basu Roy Chowdhuri ...For the Opposite Party No. 2

The present application pertains to an order dated 7th October, 2021 passed by the learned Additional Chief Judicial Magistrate, Contai, whereby learned Trial Court has rejected the petitioners' prayer for discharge.

It is submitted on behalf of both petitioners and the private opposite party No. 2 that during pendency of the aforesaid criminal proceeding, the parties have amicably settled their dispute and to that extent they have executed a 'memorandum of understanding' on 26th March, 2025 being part of the application, IA No. CRAN 1 of 2025.

Learned Counsel appearing on behalf of the petitioners therefore submits that since the de facto complainant has decided not to proceed any further with the imputation made in the FIR, the said criminal proceeding may be quashed.

Learned Counsel appearing on behalf of the de facto complainant/private opposite party No. 2 on instruction submits that if the instant proceeding is quashed, the de facto complainant has no

objection.

Learned Counsel appearing on behalf of the State placed the report in compliance with the directions made by this Court on 7th April, 2025. Let the said report be kept with the record.

On perusal of the said report it appears that the police has recorded the statement of the de facto complainant, who has stated that the matter has been amicably settled and she does not want to proceed further with the said proceeding.

Having heard learned Counsel appearing on behalf of the parties it appears that the present matrimonial family dispute is a private one and on facts it is also noticed from Memorandum of understanding that on payment of lump sum amount and on exchange of gifted items and on certain other terms and conditions, parties have amicably settled the issue and decided to withdraw the cases and they have also decided to dissolve the marriage mutually.

Since the alleged wrong is basically private and/or personal in nature and parties have amicably settled their entire dispute, it would be unfair and contrary to interest of justice to continue with the present criminal proceeding as further continuance of such proceeding would be amount to abuse of process of law despite settlement and compromise between the parties and as also there is practically no likelihood of the petitioners being convicted of the offence in view of aforesaid amicable settlement.

In such view of the matter, the impugned proceeding being G.R. Case No. 1127 of 2020, presently pending before the learned Additional Chief Judicial Magistrate, Contai is hereby quashed.

The revisional application, being C.R.R. 2257 of 2021 along with the application, being IA No. CRAN 1 of 2025 thus stands disposed of.

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.)