

6.11.2025
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SB
Ct. no. 3

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**CRR 459 of 2025
with
CRAN 1 of 2025**

**Abdesh Kumar Sha @ Awdesh Kishore
Vs.
The State of West Bengal & Anr.**

Mr. Arijit Ghosh
Ms. Angana Rakshit
Ms. Sudipa Ghosh ...for the Petitioner

Mr. Chattu Roy ...for the Defacto-complainant

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Nilay Chakraborty ...for the State

This is an application wherein the petitioner has prayed for quashing of the impugned proceeding being Matigara police station case no. 963 of 2022 under Section 498A/313 of the IPC read with the Section 3/ 4 of the Dowry Prohibition Act.

It has been contended by the learned counsel for the petitioner as well as the learned counsel for the defacto-complainant that a written complaint was lodged by the opposite party no. 2 and after completion of investigation, police has submitted charge-sheet in the said proceeding. They further submit that during pendency of the instant Revisional application, the parties have amicably settled their dispute without any coercion or undue influence and it is further

submitted that they are presently residing peacefully as husband and wife.

In the course of hearing, the petitioner has served a copy of the application upon the learned Public Prosecutor. The learned Public Prosecutor on perusal of the documents and also upon hearing the defacto-complainant & husband/accused, who are physically present today in the court room, submits that the State does not want to stand in their way of amicable settlement specially when both the parties want to continue their matrimonial life.

Having heard learned counsel for both the parties, it appears to me that the parties have amicably settled their dispute out of court and to that extent, they have filed an application being CRAN 1 of 2025 which is signed by both the husband/accused and the defacto-complainant/opposite party and as such, there is hardly any reasonable likelihood of the accused being convicted of the offence. What purpose would be served by continuing the proceeding/trial where the wife is not willing to support the allegations made in the FIR. She has resolved disputes with her husband and with her in-laws as a result thereof, she has started living with her husband, with whom, she earlier had differences.

In **Gian Singh Vs. State of Punjab & another** reported in **(2012) 10 SCC 303**, the Apex Court clearly held that 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 must quash criminal proceeding, considering whether it would be unfair as contrary to interest of justice to continue with the criminal proceeding or continuation of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between parties and whether to secure ends of justice, it is appropriate the criminal case is put to an end. If such questions are answered in the affirmative, High Court shall be well within its jurisdiction to quash the criminal proceeding.

In the instant case, the parties have physically appeared before the court and as such, the settlement appears to be genuine and such genuine settlements of matrimonial disputes should be encouraged by the court and on the contrary, if the prayer for quashment is refused merely on the ground that the offences are non-compoundable in nature, it may become counterproductive for the victim.

In such circumstances, I find that this is a fit case where court's inherent jurisdiction under Section 482 of the Code of Criminal Procedure/Section 528 of the BNSS is required to be invoked.

In view of above, CRR 459 of 2025 thus stands allowed. Connected application, if any, is also disposed of.

The criminal proceeding being Matigara police station case no. 963 of 2022 dated 13.9.2022 corresponding to G.R. case no. 4097 of 2022, presently pending before the learned Additional District and Sessions Judge, Siliguri is hereby quashed.

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

(Dr. Ajoy Kumar Mukherjee, J.)