

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRR 448 of 2024

**Sri Arindam Chowdhury & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Pritam Roy Ms. Silpi Basu	...for the Petitioners
Mr. Sudip Guha Mr. Sandip Guha Roy Mr. Ananda Paul	...for the O.P. no. 2
Mr. Nilay Chakraborty, Ld. APP Mr. Tapan Bhattacharjee	...for the State

This is an application wherein the petitioners have prayed for quashment of G.R. case no. 314 of 2023 arising out of Siliguri Women Police Station case no. 09 of 2023 under Section 498A/506 of the Indian Penal Code along with Section 4 of the Dowry Prohibition Act, 1961, presently pending before the learned Judicial Magistrate, 2nd Court, Siliguri.

The defacto-complainant/opposite party no. 2 in her FIR stated that the marriage between the petitioner no. 1 and the defacto-complainant/opposite party no. 2 was solemnized on 14.2.2021 but after few days from the marriage, they got involved in unnecessary quarrels and decided to reside separately at their respective houses since 15.2.2022.

Petitioner submits that thereafter, when it has become clear that they will not be able to live together, the opposite party no. 2

lodged the present complaint with the police by exaggerating and concocting the facts into a story of cruelty.

However, during pendency of the investigation, the parties have amicably settled their disputes and to that extent, they have also prepared a memorandum of understanding dated 24th October, 2024 and further in order to dissolve the marriage, they have filed an application under Section 13B of the Hindu Marriage Act, being MAT suit no. 128 of 2024. .

Learned counsel for the opposite party no. 2 is represented and submits that the present proceeding may be quashed as the parties have amicably settled their disputes.

Learned counsel for the petitioners submits in view of amicable settlement, it will be a futile exercise, if the present proceeding is allowed to continue.

Mr. Chatterjee, learned counsel for the State placed the case diary and submits that since the parties have amicably settled their disputes and they have decided to dissolve their marriage, the State does not want to stand in their way in the interest of their future life. Accordingly, he leaves the matter to the discretion of the court.

In view of the facts and circumstances of the case, it appears that there is no reasonable likelihood of the petitioner/accused being convicted of the offence. The defacto-complainant/wife has resolved dispute with her husband and with her parents-in-law and as stated in MOU the parties did not and could not adjust themselves in spite of best attempts and as such, defacto-

complainant has willingly parted company and decided to dissolve marital tie by a decree of mutual divorce.

In such circumstances, I find that it would not be proper to decline to exercise power of quashing merely on the ground that the offence is not compoundable. Moreover, there is every possibility that non-exercise of power under Section 482 of the Code of Criminal Procedure in the instant proceeding, would act against the interest of women/defacto-complainant and against the object for which Chapter XXA of Indian Penal Code has been added in the statute.

In such view of the matter, further continuance of the present proceeding will be a mere abuse of process of the court.

CRR 448 of 2024 is accordingly allowed.

The impugned criminal proceeding being G.R. case no. 314 of 2023 arising out of Siliguri Women Police Station case no. 09 of 2023 under Section 498A/506 of the Indian Penal Code along with Section 4 of the Dowry Prohibition Act, 1961, presently pending before the learned Judicial Magistrate, 2nd Court, 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.)