

**Criminal Revision**  
**PRESENT: The Hon'ble Justice Ashim Kumar Roy**

**Judgment On: 15-02-2010.**

**C.R.R. No. 4624 of 2009**  
**With**  
**CRAN No. 388 of 2010**  
**Sk. Rousan & Ors.**  
**versus**  
**The State of West Bengal & Anr.**

**Point:**

QUASHING: Dispute is private in nature has been settled by and between the parties – Continuation of Criminal proceeding whether an abuse of process of Court and be quashed- Code of Criminal Procedure, 1973, S. 482.

**Fact:** The petitioners filed the instant application for quashing of the charge-sheet under Sections 498A/406/323/34 of the Indian Penal Code in connection with a Case on the ground that the matrimonial dispute between the parties have been settled out of Court and both the petitioner and the wife/opposite party are residing together as husband and wife.

**Held: -**

It is an admitted position the matrimonial dispute by and between the parties has been settled out of Court and the wife/opposite party is now residing with the husband happily and peacefully at her matrimonial home since March, 2009. In view of above, there is no remote possibility for the aforesaid criminal case in question to reach to its logical conclusion and thus permitting the same to continue any further would only lead to abuse of process of Court. In my opinion, it would be expedient in the interest of justice that the impugned FIR be quashed. Accordingly, the application stands allowed and the FIR stands quashed.

Paragraph 2, 3

For Petitioners : Mr. Somir Kumar Daskar  
For State : Ms. Jharna Biswas  
For O.P. No. 2 : Mr. Kamal Kumar Basu

**The Court:**

The petitioners who are happened to be the husband and the relatives of the husband invoking inherent jurisdiction have approached this Court for quashing of the charge-sheet under Sections 498A/406/323/34 of the Indian Penal Code in connection with G.R. Case No. 175 of 2009 arising out of Uluberia P.S. Case No. 68 of 2009 dated 12.02.2009 on the ground that the matrimonial dispute between the parties have been settled out of Court and both the petitioner and the wife/opposite party are residing together as husband and wife from March, 2009. In this connection the defacto complainant, the opposite party herein, Taslima Begum, has filed an affidavit being CRAN 388 of 2010.

2. It is an admitted position the matrimonial dispute by and between the parties has been settled out of Court and the wife/opposite party is now residing with the husband happily and peacefully at her matrimonial home since March, 2009.

3. In view of above, there is no remote possibility for the aforesaid criminal case in question to reach to its logical conclusion and thus permitting the same to continue any further would only lead to abuse of process of Court. In my opinion, it would be expedient in the interest of justice that the impugned FIR be quashed. Accordingly, the application stands allowed and the FIR stands quashed.

This criminal revisional application as well as the application being CRAN No. 388 of 2010 accordingly stands disposed of.

Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

**( Ashim Kumar Roy, J. )**