

**Criminal Revision**  
Present: **The Hon'ble Justice Ashim Kumar Roy**  
Judgment on: 22.02.2010  
**C.R.R. No. 211 of 2010**  
With  
**CRAN No. 403 of 2010**  
**Deb Kuamr Bhattacharjee & Ors.**  
versus  
**State of West Bengal & Anr.**

**Point:**

**QUASHING:** Matrimonial dispute has been settled out of Court - Whether continuing criminal proceeding would amount to an abuse of process of Court and be quashed- Code of Criminal Procedure, S. 482.

**Fact:** The petitioner/husband by filing the instant application prayed for quashing of a proceeding under Section 498A/406 of the Indian Penal Code on the ground that the matrimonial dispute between the parties has been settled out of Court

**Held:**

The dispute between the parties is purely private in nature and arose out of some matrimonial disputes and differences between the husband and the wife. As the matrimonial disputes now being resolved and both of them are now admittedly living together and when the defacto complainant is no longer desirous to proceed with the criminal case started at her behest, there is no chance of the said criminal case to reach to its logical conclusion. Thus, no useful purpose will be served by allowing this criminal proceeding to continue any further and the ends of justice demands, the same be quashed.

Paragraph – 3

For Petitioners : Mr. Anirban Mitra

For State : Mr. Tirthankar Ghosh

For O.P. No. 2:        Mr. Sandip Ganguly  
   Mr. Suranjan Mondal

The Court:

Invoking Section 482 of the Code of Criminal Procedure, the petitioners, who happened to be the husband and the parents' in-law of the opposite party no. 2, moved this Court for quashing of a proceeding under Section 498A/406 of the Indian Penal Code on the ground that the matrimonial dispute between the parties have been settled out of Court.

2.        Having heard the learned advocates appearing on behalf of the parties and considering the compromise petition filed before this Court as well as the application filed in the Court below, I find this is an admitted position that the aforesaid case which was an out come of some purely matrimonial disputes and differences arose in course of conjugal life has been settled out of Court by and between the parties. It has also been submitted by the learned advocate appearing on behalf of the petitioners and admitted by the learned advocate appearing on behalf of the defacto complainant that after settlement of their disputes out of Court, the petitioner no. 1 and the opposite party no. 2 are residing together as husband and wife at her matrimonial home happily and peacefully. It is also an admitted position that the defacto complainant is no longer desirous to proceed with the criminal case which has been instituted at her instance.

3.        The dispute between the parties is purely private in nature and arose out of some matrimonial disputes and differences between the husband and the wife. As the matrimonial disputes now being resolved and both of them are now admittedly living together and when the

defacto complainant is no longer desirous to proceed with the criminal case started at her behest, there is no chance of the said criminal case to reach to its logical conclusion. Thus, no useful purpose will be served by allowing this criminal proceeding to continue any further and the ends of justice demands, the same be quashed.

Accordingly, the instant criminal application stands allowed and the proceeding stands quashed.

This criminal revisional application as well as the application being CRAN No. 403 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. )**