

CRIMINAL REVISION

Present: **The Hon'ble Justice Ashim Kumar Roy**

C.R.R. No. 4656 of 2009

With

CRAN No. 713 of 2010

Judgment On: 31-03-2010.

Samir Kumar Routh & Ors

versus

State of West Bengal & Anr

POINTS:

QUASHING-Matrimonial dispute amicably settled out of Court-Petitioners approached Court for Quashing - Permitting criminal prosecution whether an abuse of process of court- Indian Penal Code, Ss.498A/406/34-Code of Criminal Procedure, 1973 S.482.

FACTS:

The petitioners, who happen to be the husband and the relations of the husband, have approached this Court for quashing of the impugned FIR relating to offences punishable under Sections 498A/406/34 of the Indian Penal Code, on the ground that the matrimonial dispute between the parties has been settled out of Court.

HELD:

This is purely a private dispute arising out of some matrimonial dispute. After the matrimonial dispute is amicably settled out of Court by and between the parties and when the opposite party is no longer desirous to proceed against the petitioner, there is no chance of the said criminal case to reach its logical conclusion and thus permitting this criminal prosecution to continue any further will bring out a situation which will be completely an abuse of process of court.

Para-3

For Petitioners: Mr. Somnath Banerjee

For O.P. No. 2: Mr. Partha Sarathi Basu

For State: Mr. Debobrata Roy

THE COURT:

1. Invoking Section 482 of the Code of Criminal Procedure, the petitioners, who are happened to be the husband and the relations of the husband, have approached this Court for quashing of the impugned FIR relating to offences punishable under Sections 498A/406/34 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 perusing the joint compromise petition and other materials on record, I find, admittedly, the parties have settled their dispute out of Court and at the present moment, the wife/opposite party is residing at her matrimonial home together with her husband and his other relations, happily and peacefully. It further appears from the joint compromise petition that the opposite party/wife is no longer desirous to proceed with the criminal case instituted by her.

3. This is purely a private dispute arising out of some matrimonial dispute. In my opinion, after such matrimonial dispute being amicably settled out of Court by and between the parties and when the opposite party/wife is no longer desirous to proceed against the accused/petitioner, there is no chance of the said criminal case to reach its logical conclusion and thus permitting this criminal prosecution to continue any further will bring out a situation which will be completely an abuse of process of court.

4. In such view of the matter, I allow this criminal revision and quash the impugned FIR.

5. In view of disposal of the main criminal revisional application, the application being CRAN No. 713 of 2010 become infructuous and accordingly stands disposed of.

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

(Ashim Kumar Roy, J.)