

**CRIMINAL REVISION**

***Present:- The Hon'ble Justice Ashim Kumar Roy  
Judgment On : 21-05-2010.***

***C.R.R. No. 234 of 2010***

***Deba Prasad Nath & Ors.***

***versus***

***The State Of West Bengal & Anr.***

**POINTS**

Quashing – Matrimonial Dispute – Petitioners were charged under section 498A of The Indian Penal Code – Settlement of Matrimonial dispute out of the court – Whether a ground for quashing of the criminal case. Code of criminal Procedure ,1973 S - 482 , Indian Penal Code 1860, S - 498A

**FACTS**

The petitioners being the husband and the relations of the husband who have been placed on trial to answer a charge for an offence punishable under section 498A of the Indian Penal Code. Invoking Section 482 of the Code of Criminal Procedure, have moved to the Hon'ble High Court for quashing of the same on the ground that the matrimonial dispute by the parties has been settled out of the court.

**HELD**

The root of the aforesaid criminal prosecution is a matrimonial dispute by and between the parties and such dispute has now been settled out of Court. The dispute is absolutely private in nature. It is also an admitted position that at the present moment the parties have been residing together and the petitioner no. 1 and the defacto-complainant have resumed their normal conjugal life and leading a very happy and peaceful married life. It appears from the joint compromise petition as well as from the submission made on behalf of the defacto-complainant/opposite party that she is no longer desirous to proceed with the instant criminal proceeding instituted at her behest. In such view of the matter, there is no possibility of the aforesaid criminal proceeding to reach to its logical conclusion. Therefore, allowing this criminal proceeding to continue any further would be only an abuse of

process of Court and for ends of justice, the same is liable to be quashed.

Para 3

For Petitioners : Mr. Debasish Roy  
Mr. Sajal Kanti Bhattacharya

For State : Mr. Kallol Mondal

For O.P. No. 2 : Mr. Anirban Mitra  
Mr. Dibashis Basu

**THE COURT.** 1. Invoking Section 482 of the Code of Criminal Procedure, the petitioners being the husband and the relations of the husband, who have been placed on trial to answer a charge for an offence punishable under Section 498A of the Indian Penal Code have moved this Court for quashing of the same on the ground that the matrimonial dispute by and between the parties has been settled out of Court.

2. Heard the Learned Counsels appearing on behalf of the parties. Perused the materials on record, more particularly the joint compromise petition filed by the parties. It may be noted, on the date of hearing of this application both the principal accused as well as the defacto-complainant were personally present in Court.

3. Admittedly, the root of the aforesaid criminal prosecution is a matrimonial dispute by and between the parties and such dispute has now been settled out of Court. The dispute is absolutely private in nature. It is also an admitted position that at the present moment the parties have been residing together and the petitioner no. 1 and the defacto-complainant have resumed their normal conjugal life and leading a very happy and peaceful married life. It appears from the joint compromise petition as well as from the submission made on behalf of the defacto-complainant/opposite party that she is no longer desirous to proceed with the instant criminal proceeding instituted at her behest. In such view of the matter, there is no possibility of the aforesaid criminal proceeding to reach to its logical conclusion. Therefore, allowing

this criminal proceeding to continue any further would be only an abuse of process of Court and for ends of justice, the same is liable to be quashed. Accordingly, this criminal revision succeeds and the impugned proceedings against the petitioners stands quashed.

4.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*)