

Criminal Revision

Present:

The Hon'ble Justice Ashim Kumar Roy

Judgment on 20.08.2010

C.R.R. No. 1907 of 2010
With
C.R.A.N. No. 2337 of 2010

Ashok Banik
versus
Sima Banik & Anr.

Points:

Compromise: A case under Sections 498A/313/406/34 of the Indian Penal Code –
Compromised by the parties- Case whether can be quashed –Code of Criminal Procedure,1973
S.482

Facts:

The matrimonial dispute out of which the case was instituted, have now been settled out of Court by and between the parties and the defacto-complainant/wife has now been residing happily and peacefully at her matrimonial home with her husband and his other relations. It appears from the materials on record and the submissions made on behalf of the opposite party no. 2, the defacto-complainant, that after the settlement she is no longer desirous to proceed with the criminal case, she brought against her husband, the petitioner herein. On the other hand, she is now more inclined to enjoy a happy and peaceful conjugal life.

Held:

There is no remote possibilities of the aforesaid criminal case to reach its logical conclusion and permitting the same to remain survive would only amount to complete abuse of process of Court. For ends of justice, this case should be quashed.

Para 4

For Petitioner : Mr. Partha Pratim Das
For O.P. No. 1 : Ms. Rituparna Sarkar
For State : Mr. Sobhendu Sekhar Roy

The Court: Invoking Section 482 of the Code of Criminal Procedure the petitioner, who has been charged sheeted under Sections 498A/313/406/34 of the Indian Penal Code has approached this Court for quashing of the said charge-sheet on the ground of compromise, by and between the parties.

2. Heard the learned advocates, Mr. Partha Pratim Das, for the petitioner, Ms. Rituparna Sarkar, for the defacto-complainant/wife and Mr. Sobhendu Sekhar Roy, for the State. Perused the materials on record including the joint compromise petition filed in Court.

3. It is an admitted position that the matrimonial dispute out of which the aforesaid case was instituted, have now been settled out of Court by and between the parties and the defacto-complainant/wife has now been residing happily and peacefully at her matrimonial home with her husband and his other relations. It appears from the materials on record and the submissions made on behalf of the opposite party no. 2, the defacto-complainant, that after the settlement she is no longer desirous to proceed with the criminal case, she brought against her husband, the petitioner herein. On the other hand, she is now more inclined to enjoy a happy and peaceful conjugal life.

4. In such view of the matter, I am of the opinion that there is no remote possibilities of the aforesaid criminal case to reach its logical conclusion and permitting the same to remain survive would only amount to complete abuse of process of Court. I am of the further opinion that for ends of justice, this case should be quashed.

5. Accordingly, this criminal revisional application stands allowed and the impugned charge-sheet stands quashed.

6. In terms of disposal of main criminal revision, the CRAN No. 2337 of 2010 also stands disposed of.

7. 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.)