

Criminal Revision
Present:
The Hon'ble Justice Ashim Kumar Roy
C.R.R. No. 3852 of 2009
And
C.R.R. No. 3853 of 2009
Bivash Roy & Ors.
versus
The State of West Bengal & Anr.
Judgment On : 27-01-2010

Point:

QUASHING: Dispute between the parties are purely private in nature- There is remote possibility of criminal proceedings to reach its logical conclusion- It is an abuse of process of Court- Whether it can be quashed- Code of Criminal Procedure, 1973, S. 482.

Fact: The petitioners filed the instant applications seeking quashing of two separate criminal proceedings, relating to offences punishable under Sections 498A/406 of the Indian Penal Code on an identical ground that the dispute between the accused/petitioners and the defacto-complainant has been settled out of Court and the defacto-complainant is no more desirous to proceed with the said criminal cases.

Held:

The dispute between the parties were purely private in nature and admittedly on their own they have settled their such dispute out of Court. It is also an admitted position that the defacto-complainant of the case the opposite party no. 2 who is personally present in Court is no longer desirous to proceed with the criminal case instituted by her. Thus, there is no remote possibility of the aforesaid criminal proceedings to reach its logical conclusion. In such circumstances, the continuation of impugned criminal proceedings would be completely an abuse of process of court and for ends of justice it would be expedient to quash the said criminal proceedings.

For Petitioners : Mr. Sourav Bhagat

For State : Mr. Debabrata Roy (In C.R.R. No. 3852/2009)
Mr. Amajit De (In C.R.R. No. 3853/2009)

For O.P. No. 2: Mr. Somopriyo Chowdhury

The Court:

In C.R.R. No. 3852 of 2009 and C.R.R. No. 3853 of 2009 have been brought before this Court seeking quashing of two separate criminal proceedings, both relating to offences punishable under Sections 498A/406 of the Indian Penal Code on an identical ground that the dispute between the accuseds/petitioners and the defacto-complainant has been settled out of Court and the defacto-complainant is no more desirous to proceed with the said criminal cases instituted at her behest. Since in both the aforesaid criminal revisions the parties are same and the relief sought for rests on a common ground, both the said criminal revisions were taken up for hearing together.

2. Heard the learned advocates appeared on behalf of the parties. Considered their respective submissions.

It may be noted at the time of hearing of these applications, both the petitioner no. 1, the husband as well as the opposite party no. 2, the defacto-complainant were personally present in Court.

3. It appears from the perusal of the materials on record that both the impugned criminal proceedings were instituted by the wife, the opposite party no. 2 herein against the petitioners, who happened to be her husband and the relatives of the husband out of some purely matrimonial disputes and differences arose in course of their conjugal life. Now, having heard the

learned advocates appearing on behalf of the parties and considering their respective submissions and the pleadings in the revisional application it appears that the parties have resolved their disputes mutually out of Court and at the present moment the wife/opposite party has been living with her husband happily and peacefully at his place of employment with their minor child. In this regard a joint compromise petition has been filed by the parties. The dispute between the parties were purely private in nature and admittedly on their own they have settled their such dispute out of Court. it is also an admitted position that the defacto-complainant of the case the opposite party no. 2 who is personally present in Court is no longer desirous to proceed with the criminal case instituted by her. Thus, there is no remote possibility of the aforesaid criminal proceedings to reach its logical conclusion. In such circumstances, the continuation of impugned criminal proceedings would be completely an abuse of process of court and for ends of justice it would be expedient to quash the said criminal proceedings.

Accordingly, both the criminal revisional applications are allowed and the impugned proceedings are quashed.

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.)