

13.7.2026
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CRR 2987 of 2025

**Prateek Bothra & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Soumya Nag Ms. Gargi Mukherjee Mr. Rajib Ghosh	...for the Petitioners
Mr. Nilkant Banerjee Mr. Joydeep Das	...for the O.P. no. 2
Mr. Kallol Mondal, Ld. PP Mr. Imran Siddiqui	...for the State

In this application, the petitioners have prayed for quashing of the proceeding being Dum Dum Police Station case no. 153 of 2024 dated 21.4.2024 under Section 498A/406/34 of the IPC corresponding to G.R. case no. 2773 of 2024, presently pending before the learned Judicial Magistrate, 5th Court, Barrackpore.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners, who are the husband and in laws of the defacto-complainant submits that the allegations made in the FIR, even if taken at their face value and accepted in its entirety, do not constitute any offence or make out a case against the petitioners. However, during pendency of the proceeding, the parties have amicably settled their dispute and to that extent, they have obtained a decree of divorce in MAT suit no. 226 of 2024 on 6.8.2024.

In view of the aforesaid amicable settlement, learned counsel for the petitioners submits that the opposite party no. 2 has

decided not to adduce evidence against the petitioners during trial and as such, further continuance of the impugned proceeding would be nothing but a mere abuse of process of the court.

Learned counsel for the opposite party no. 2 on instruction submits that the defacto-complainant has decided not to support the imputations levelled in the petition of complaint as they have amicably settled their disputes and they are not now residing separately after obtaining the decree of divorce from a competent court of law. Therefore, learned counsel for the petitioners also prays for quashment of the said proceeding in the interest of future peaceful life of the parties.

Learned counsel for the State places a report dated 7.7.2026 which is taken on record. The said report discloses that the defacto-complainant by way of a letter sent through e-mail on 6th July, 2026 informed the Investigating officer that she wants to withdraw the complaint levelled against her husband and she also wants to withdraw the police case no. 153 of 2024.

Having heard learned counsel appearing on behalf of all the parties, it appears that the defacto-complainant has decided not to support the prosecution case in view of the amicable settlement arrived at by and between the parties and as such, the conviction of the present petitioners is bleak even if the State is allowed to continue with the proceeding. Furthermore, if the prayer made by the petitioners and the private opposite party seeking quashment of the proceeding being G.R. case no. 2773 of 2024 is refused on the ground that Section 498A of the IPC is a non-compoundable offence, I find that it may become counter productive and may frustrate the object of the legislation.

In view of above, CRR 2987 of 2026 is hereby allowed.

The impugned proceeding being Dum Dum Police Station case no. 153 of 2024 dated 21.4.2024 under Section 498A/406/34 of the IPC corresponding to G.R. case no. 2773 of 2024, presently pending before the learned Judicial Magistrate, 5th Court, Barrackpore is hereby quashed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)