

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 1950 of 2025
With
CRAN 1 of 2025

Nimai Chowdhuri @ Nimai Chowdhury & Ors.
Vs.
The State of West Bengal & Anr.

For the Petitioners : Mr. Md. Wasim Akram

For the State : Mr. Debasish Roy, Id. PP
Mr. Kunal Ganguly
Mr. Karan Bapuli

For the de-facto complainant : Ms. Reshmi Khatun

Heard on : 28.08.2025

Judgment on : 28.08.2025

Jay Sengupta, J.:

This is an application praying for quashing of G.R. Case No. 5598 of 2024 pending before the learned CJM, Malda arising out of Manikchak P.S. Case No. 561 dated 04.08.2024 under Sections 126(2), 115(2), 117(2), 109 and 3(5) of the BNS.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. There was a fight between friends that resulted in injuries on both sides. Now, the matter has been fully and finally settled between the parties. On such ground, the impugned proceeding may be quashed.

Learned counsel appearing on behalf of the de-facto complainant submits that in view of the settlement arrived at between the private parties, the impugned proceeding may be quashed.

Learned counsel appearing on behalf of the State opposes the application, and submits as follows. Even in the subsequent statement of the victim recorded before the learned Magistrate as per this Court's order, the victim has stated that the accused forcibly took possession of their land. However, at the intervention of co-villagers, the matter was settled. The land was returned back and the petitioners, therefore, did not want to proceed the matter. However, the incriminating materials were available in the case diary including the injury report, which showed physical assault made on head, face (right eye), hand and chest. This is an offence against the State and is not an offence of private nature. Merely because land has been returned, the impugned proceeding cannot be quashed. An application for anticipatory bail of the petitioners was also turned down by a Division Bench of this Court.

The impugned proceeding involves serious allegations. There are incriminating materials present in the case diary including the injury report and statements of witnesses. The offences are serious and are not of private nature. Significantly, the anticipatory bail of the petitioners was also rejected by a Division Bench of this Court.

In view of the same, the prayer for quashing of proceeding on the ground of compromise cannot be entertained. Reliance is placed in the decision of the Hon'ble Apex Court in *Gyan Singh Vs. State of Punjab*, (2012) 10 SCC 303.

Therefore, I do not find any merit in this application.

Accordingly, the revisional application is dismissed. CRAN 1 of 2025 also stands disposed of.

Urgent Photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)