

23.12.2025
Sl. No.30
AMR
Ct.No.29

CRR 2622 of 2025
with
IA No.: CRAN/1/2025

Sekhar Chandra Naskar
-vs.-
The State of West Bengal & Anr.

Mr. AngshumanChakdraborty
Mr. Rajib Kumar Acharyya
Mr. BanshiBadarMaity
Mr. Goutam Malik

...for the Petitioner

Mr. Debasish Sur,
Ms. Anjali Mishra

...for the Defacto complainant

Mr. Suman De
Mr. A. Das

...for the State

Affidavit of service filed by the petitioner is taken on record.

The instant application has arisen due to challenge made by the petitioner in connection with Sutahata P.S. Case No. 143 of 2025 dated 30th May, 2025 under Sections 115(2)/351(2)/74/79 of the BNS, corresponding to G.R. Case No. 1047 of 2025 presently pending before the learned Additional Chief Judicial Magistrate, which started on the basis of written complaint dated 21.05.2025 made by the opposite party herein.

It is submitted by the petitioner that the petitioner and the opposite party no. 2 have a long standing good family relationship and both families have stood by each other in times of trouble and both families would take financial help from other families in the form of loans in times of their problems. In the second week of May, 2025, the petitioner and the opposite party no. 2 had a disagreement regarding financial transactions and a rift arose between the two families, which gave rise to the instant complaint.

However, due to intervention of well wishers and local people, they have amicably settled their dispute and to that extent, they have filed one connected application being CRAN/1/2025. Now both the petitioner and the opposite party pray before this Court that the proceeding may be quashed as the learned counsel appearing on behalf of the private opposite party submits that in view of the amicable settlement, the opposite party has decided not to adduce evidence against the imputations levelled in the complaint.

Learned counsel appearing on behalf of the State placed the case diary and leaves the prayer made by the petitioner to the discretion of the Court.

Having heard learned counsel for the petitioner and the State and also on perusal of the case diary, it appears that during investigation, no case has been made out under Section 74 of the BNS. It is submitted that other alleged offences are compoundable.

In view of the amicable settlement made by and between the parties, it appears to me that a façade trial, in connection with the instant proceeding, would be mere abuse of the process of the Court, in view of the fact that there is hardly any chance of conviction at the end of trial, since the complainant has decided not to adduce evidence in support of the imputations levelled in the complaint during trial.

Therefore, for the ends of justice and also to prevent the abuse of the process of the Court, and most importantly when parties have amicably settled their dispute in the interest of their future peaceful co-existence , I find that this is a fit case where the proceeding should be quashed invoking this Court's jurisdiction under Section 528 of the BNSS. On the contrary if such prayer for quashing of proceeding made by both the parties is rejected merely on the ground that some of the alleged offences are non-compoundable that may become counter productive.

In such view of the matter, **CRR 2622 of 2025** is allowed.

The impugned proceeding being Sutahata Police Station Case No. 143/2025 dated 30.05.2025 corresponding to G.R. Case No. 1047 of 2025 presently pending before the learned Additional Chief Judicial Magistrate, Haldia is quashed.Connected application, if any, stands allowed.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee,J.)