

05.08.2025
Item no. 378
Ct. No. 29
BD.

CRR 2957 of 2023

Snehanshu Sinha & Ors.
-vs-
The State of West Bengal & Anr.

Mr. Jayanta Narayan Chatterjee
Mrs. Paulomita Mukherjee
Ms. Moumita Pandit
Ms. Ritashree Banerjee
Mr. Bhaskar Mondal ... for petitioners.

Mr. Rudradipta Nandy
Mrs. Sujata Das ... for the State

This is an application wherein the petitioners have prayed for quashing of proceeding being GR Case No. 674 of 2022 arising out of Bolpur Police Station Case No. 195 of 2022 dated 30th June, 2022 under sections 420/406/323/506/34 of the Indian Penal Code.

Private opposite party is not represented.

The petitioner submits that they are absolutely innocent and they have been falsely implicated on the basis of false and baseless allegations. They are in no way connected with the alleged offence and they have been unnecessarily dragged into criminal proceeding. In fact defacto complainant has lodged the complaint out of grudge, jealous and in order to fulfill his personal vendetta. It is further submitted that the opposite party no. 2 has been residing at Bankura with his parents since a long time and his mother or he himself never ever came to Bolpur or Raipur for any purpose and they never

visited their ancestral home for any purpose in the last thirty years. Petitioner no. 1 being the youngest son of defacto complainant's maternal grandparents has been residing with his family at Bolpur for his work purpose. Before retirement he had been abroad.

The petitioners submits that they are all senior citizens and retired from service. The petitioners' mother Renuka Singha expired on 22.10.1991 after executing her last Will and Testament dated 23-05-1984 whereby she had expressed her will with regard to distribution of her property. The petitioners sisters namely Sulekha Ghosh and Maniprabha Sinha executed Na Dabi Patra on 04.11.1991 which was duly registered in favour of the petitioners admitting and honouring the said Will. The petitioners had filed a probate case to prove the last Will of their mother in the year 2021. The same became contentious due to objection raised. In fact the opposite party no. 2 along with others after demise of their mother defying the law have been trying to sell family property in and around Bolpur and make unlawful gain out of it, claiming right title interest over the same.

Petitioners further contention is that the dispute is purely civil dispute among the family members and the petitioners have been falsely entangled with the case. However, there was an agreement in course of hearing of the application for cancellation of the anticipatory bail granted to petitioners and it appears from the bail order

dated 8th February, 2023 that during course of hearing before this High Court in CRM (DB) 3228 of 2022, the opposite parties agreed in Court that if the petitioners herein pay a sum of Rs. 7 lakhs to the opposite party No. 2 herein he will take steps for withdrawing the police complaint. It further appears from the said order dated 8th February, 2023 that pursuant to such agreement, the private opposite parties made over a sum of Rs. 7 lac to the petitioner which the petitioner acknowledged by granting receipt. It further appears that thereafter on 29th August, 2023 the defacto complainant Subharthi Sinha made a prayer before the trial court for withdrawal of the instant proceeding, stating that the matter has been amicably settled between the parties and as such he does not want to proceed further with the proceeding. It further appears that though the trial court on 29th August, 2023 had taken notice of the said fact but he only placed the said petition in the record without passing order as the instant application being CRR 2957 of 2023 is pending before this High Court who had stayed the said proceeding.

Mr. Nandy, learned counsel appearing on behalf of the State submits that in view of the amicable settlement, it appears that the petitioners have paid Rs. 7 lac to the defacto complainant and as such the defacto complainant has made a prayer for withdrawal before the court below. However, he submits that the allegation

made in the complaint are private dispute and are compoundable in nature and this High Court has the power to quash the proceeding invoking jurisdiction under section 482 of the Code of Criminal Procedure.

It is evident from record that petitioners herein have paid Rs. 7 lacs to the defacto-complainant in terms of settlement arrived at by the parties vide order dated 8th February, 2023. It is also not in dispute that defacto-complainant has already filed application as reflected from trial courts order dated 29.8.2023, that defacto-complainant does not want to proceed further with the criminal proceeding in view of amicable settlement. It is also not in dispute that the petitioners and the private opposite party are related to each other as they are family members and entangled in property related dispute among themselves. Record reveals in spite of service, the private opposite party preferred not to challenge the aforesaid averments made in the application.

In **Gian Singh Vs. State of Punjab, (2012) 10 SCC 303**, Apex court while dealt with the situations, where proceeding can be quashed invoking court's jurisdiction under Section 482 of the Cr. P.C. in view of amicable settlement between the parties held in para-61 as follows:-

“.....But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing

for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

In the instant proceeding in view of payment of agreed amount by the petitioners herein in favour of private opposite party herein and also in view of prayer made by the opposite party no. 2 herein before the court below that he is no longer interested to proceed with the allegations, and that alleged offences are compoundable in nature and predominantly civil dispute among family members, basically over acquisition and/or distribution

of ancestral property, it would be unfair and contrary to the interest of justice to continue with the criminal proceeding and if it is allowed to continue it would definitely tantamount to abuse of process of law despite settlement.

Accordingly CRR 2957 of 2023 along with connected application, if any, are allowed.

The impugned proceeding being Bolpur Police Station Case No. 195 of 2022 dated 30th June, 2022 corresponding to GR Case No. 674 of 2022 presently pending before learned Additional Chief Judicial Magistrate, Bolpur, Birbhum is quashed.

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

(Dr. Ajoy Kumar Mukherjee, J.)