

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRR 30 of 2025

Bijoy Mondal
Vs.
The State of West Bengal & Anr.

Mr. Sandip Guha Roy ...for the petitioner

Mr. Ananda Paul ...for the O.P.no. 2

Mr. Niloy Chakraborty, Ld. APP
Mr. Tapan Bhattacharjee ...for the State

A report submitted by the State is taken on record.

This application has been preferred by the petitioner seeking quashment of G.R. case no. 1921 of 2014 arising out of Jalpaiguri Kotwali Police Station case no. 351 of 2014 dated 23rd April 2014 under Section 417/376/313 of the Indian Penal Code.

The allegation leveled against the present petitioner in the FIR is that there was a love affairs between the parties for about four years and the petitioner also promised to marry the opposite party no. 2/complainant. On 1.1.2014, the petitioner took the opposite party no. 2 in a nearby Kali Temple and married her and thereafter, cohabited with the petitioner on several occasions and for which, the opposite party no. 2 became pregnant. Thereafter, the petitioner was compelled to abort. However, when the opposite party/defacto-complainant asked for social marriage, the petitioner refused to do the same and refused to keep his promise.

Subsequently, on 1.4.2014, the petitioner asked the opposite party no. 2 for meeting in a nearby tea garden. When the opposite party no. 2 went there petitioner forcibly cohabited with her but the opposite party no. 2/complainant came to know that the petitioner has fixed his marriage with some other girl. After completion of investigation, police has submitted charge-sheet under Section 417/376/313 of the Indian Penal Code against the present petitioner.

However, it is now submitted that after lodging the FIR and during pendency of the investigation, the petitioner had married the opposite party no. 2/complainant/victim and one female child has also taken birth due to said wedlock. The marriage certificate and the birth certificate of the child are filed as Annexure-P/1 and P/2.

Learned counsel for the victim/opposite party submits that the opposite party no. 2 does not want to proceed further with the present case.

Learned counsel for the petitioner submits that in view of the amicable settlement, the present proceeding may be quashed.

Learned counsel for the State submits that the parties have amicably settled their disputes and they are residing peacefully as husband and wife along with their child and in such circumstances, the State does not want to stand in their way of future matrimonial life and leaves the matter to the discretion of the court.

Having heard learned counsel appearing on behalf of all the parties, it appears that on the basis of a direction made by this

court, Inspector-in-charge, Kotwali Police Station has submitted a report dated 18.2.2025 which discloses that at present, the defacto-complainant/opposite party has got married with the petitioner and they are residing peacefully as husband and wife at the house of the petitioner at Jalpaiguri.

It is settled beyond controversy that in the exercise of inherent power, the High Court is entitled to quash proceeding, if it appears to him that ends of justice so require. In view of the fact that the parties are residing peacefully as husband and wife, there is no reasonable likelihood of the petitioner/accused being convicted of the offence. The opposite party also present and makes the prayer for quashing, which appears to be bona fide.

In **Madhavrao Jiwajirao Scindia & Ors. Vs. Sambhajirao Chandrojirao Angre & Ors., (1998) 1 SCC 692**. It was held that while exercising inherent power of quashing under Section 482 of the Code, it is for the High Court to take into consideration any special feature, which appear in a particular case to consider, whether it is expedient and in the interest of justice to permit a prosecution to continue.

Considering the aforesaid special feature in the instant case, it has become expedient for the court to encourage genuine settlement made by the parties and non-acceptance of such settlement merely on the ground of seriousness of allegation, may become counter productive and may go against the interest of the victim.

In such view of the matter, the revisional application being CRR 30 of 2025 thus stands allowed.

The impugned proceeding G.R. case no. 1921 of 2014 arising out of Jalpaiguri Kotwali Police Station case no. 351 of 2014 dated 23rd April 2014 stands quashed.

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

(Dr. Ajoy Kumar Mukherjee, J.)