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2025
Ct. No. 3

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

C.R.R. 506 of 2025

With

IA No. CRAN 1 of 2025

Chandan Biswas & Ors.

Vs.

The State of West Bengal & Anr.

Mr. Hillol Saha Podder

... For the Petitioners

Ms. Mousumi Das

...For the Private Opposite Party

Mr. Aditi Shankar Chakraborty
Mr. Tapan Bhattacharjee

...For the State

Re.: IA No. CRAN 1 of 2025

This is an application, wherein the petitioners have prayed for quashing of the proceeding, being PTN Case No. 2662 of 2025 presently pending before the learned Chief Judicial Magistrate at Jalpaiguri corresponding to New Jalpaiguri Police Station Case No. 315 of 2025 dated 13th May, 2025 under Sections 85/109 of the BNSS, 2023.

The content of the FIR inter alia states that on 15.12.2024, the de facto complainant was married with the accused No. 1 but after some days all the accused persons started physical and mental torture upon the de facto complainant demanding dowry, as a result, the de facto complainant and her husband started residing separately in a rented accommodation. But on 08.05.2025 she was assaulted by her husband. However, during pendency of the instant proceeding the parties have amicably settled their dispute and they are now residing peacefully as husband and wife and to that extent they have filed a connected application, being IA No. CRAN 1 of 2025 and both the de facto complainant/wife and husband/accused are present in Court today.

Learned Counsel appearing on behalf of the de facto complainant also submits that de facto complainant/wife wants to continue her matrimonial life with the accused/husband and for which this connected application has been filed and signed by both the parties.

Learned Counsel appearing on behalf of the State submits that having heard the de facto complaint/wife and the husband/accused, the State does not want to stand in their way of amicable settlement and in this case though investigation started but final report has not yet been submitted and as such he left the prayer of the petitioner and opposite party No. 2 to the discretion of the Court.

Having heard learned Counsel appearing on behalf of the petitioner and both the opposite parties, it appears that the parties have amicably settled their dispute and they want to continue their matrimonial tie and as such if the present prayer for quashing the instant proceeding be not allowed it may become counter-productive for the wife. Furthermore, when the parties have amicably settled their dispute and the wife/opposite party has decided not to adduce evidence supporting the allegation leveled in the FIR, what purpose would be served in continuing with the instant proceeding because there is hardly any chance of conviction of the petitioners at the end of trial. Moreover, the present dispute is a family dispute among the parties and when the parties have amicably settled the same and decided to continue their matrimonial life and urging their prayer through appearing personally

the Court should encourage such genuine settlement.

In *Gian Singh Vs. State of Punjab and Ors.*, reported in (2012) 10 SCC 303, Apex Court framed a guideline that offences inter alia arising out of matrimony relating to dowry etc, where the wrong is basically private or personal in nature and parties have resolved their entire dispute, High Court may quash criminal proceeding taking into consideration whether it would be unfair or contrary to interest of justice to continue with the criminal proceeding or continuation of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between parties and whether to secure ends of justice, it is appropriate, the criminal case is put to an end.

Since the facts and circumstances of the instant proceeding clearly covers the aforesaid guidelines, the instant proceeding, being PTN Case No. 2662 of 2025 presently pending before the learned Chief Judicial Magistrate at Jalpaiguri is hereby quashed.

Accordingly, the main application, being C.R.R. 506 of 2025 along with the application, being IA No. CRAN 1 of 2025 thus stand disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis upon compliance of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)