

30.4.2026

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**CRR 647 of 2026
IA No.CRAN 1 of 2026**

**Shri Tanmoy Roy & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Anirban Dutta
Mr. Abhra Jena
Mr. Swarnadeep Khara ...for the Petitioners

Mr. Emon Bhattacharya
Ms. Pooja Sah ... for the opposite party no. 2

Mr. Kousik Kundu
Mr. Sachit Talukdar ... for the State.

Report submitted by Sub-Inspector of Police,
Baguihati Police Station, dated 27.04.2026 is taken on
record.

In the instant application petitioners have prayed for
quashing of the proceeding being GR Case No. 464 of 2025
presently pending before learned Chief Judicial Magistrate,
Barasat, under sections 316(2), 351(2), and 85 of the BNS,
2023.

The defacto-complainant stated in his complaint
that she purportedly became the victim of domestic violence
and she was subjected to torture and was allegedly
physically and mentally abused on numerous occasions.
However, during the pendency of the instant proceeding the
parties have mutually and amicably settled the disputes
amongst themselves and to that extent they have filed a
memorandum of understanding dated 23.03.2025 as well

as supplementary memorandum of understanding dated 10.10.2025 and thereby the defacto complainant has agreed to withdraw the criminal proceeding.

Learned counsel appearing on behalf of the opposite party no. 2/complainant submits that in view of settlement, his client has made a statement that she does not want to proceed with the criminal proceeding being GR Case No. 464 of 2025.

Learned counsel appearing on behalf of the State placed the report dated 27.04.2026 signed by Sub-Inspector of Police Baguihati Police Station, which discloses that in view of voluntary settlement opposite party no. 2/complainant has prayed that aforesaid impugned proceeding may be quashed.

Learned counsel appearing for the State further submits that the disputes between the parties have arisen due to matrimonial discord, which is private in nature and when the parties have amicably settled their disputes in the interest of their mutual co-existence the State does not want to stand in their way of settlement.

Having considered the submissions made on behalf of the parties and considering the fact that the defacto complainant has decided not to support imputations leveled in the FIR during trial, I find that further continuance of the impugned proceeding will be a mere abuse of the process of the court as there is hardly any chance of conviction at the end of trial. If the prayer for quashment made by both the

petitioners and the opposite party no. 2 are rejected only on the ground that offence is non-compoundable it may become counter-productive.

Having considering the facts and circumstances of the case, the instant application being CRR 647 of 2026 is allowed. The connected application being CRAN 1 of 2026 is also disposed of.

The impugned proceedings being GR Case No. 464 of 2025 presently pending before learned Chief Judicial Magistrate, Barasat is hereby 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.)