

05.01.2026

Sl. No.14.

M/L.

Mithun.

Ct.No.29.

CRR/656/2025

Tuksona Majhi @ Tuksona Maji & Ors.

Vs.

The State of West Bengal & Anr.

Mr. Ranojoy Chatterjee,

...for the petitioners

Mr. Subha Pathak,

...for the *de facto* complainant

Mr. Suman De,

Mr. Subham Bhakat

...for the State

Petitioners have prayed for quashing of the proceeding being G.R. No.2082 of 2024, presently pending before learned Additional Chief Judicial Magistrate, Arambagh, Hooghly.

The petitioner no.1 is the daughter in law of the alleged victim and petitioner no.2 is the granddaughter of the *de facto* complainant and petitioner no.3 is the grandson of the victim.

It appears from the record that a joint application for compromise being CRAN 1 of 2025 has been filed wherein *de facto* complainant had put LTI and three petitioners have also put signature therein. In the said petition of compromise, it has been stated that the matter has been amicably settled in between the parties and, as such, the *de facto* complainant does not want to proceed further with the instant criminal proceeding.

Learned Counsel for the petitioners submits, when the matter has been amicably settled between the parties and *de facto* complainant has decided not to adduce evidence against the petitioners, further continuance of the criminal proceeding before the Trial Court would be a

mere abuse of the process of the Court as there is hardly any chance of conviction of the petitioners at the end of the trial. Accordingly, he prayed for quashing of the entire proceeding.

Learned Counsel for the State opposed the prayer and placing the Case Diary he contended that the allegations levelled against the petitioners are serious in nature and since this is an offence against State and the offence of attempt to murder is not compoundable in nature, therefore even if there is any amicable settlement between the parties, it would not be proper to quash the instant proceeding merely on the ground of settlement.

I have gone through the materials collected during investigation and it appears that the *de facto* complainant refused to make statement before the Magistrate under Section 164 Cr.P.C. It further appears from the FIR as well as from other materials in the Case Diary that the allegation mainly levelled against petitioner no.1, Tuksona Majhi @ Tuksona Maji, wife of Sankar Majhi. It further appears that the petitioner no.2 just attained majority at the time of filing present application whereas petitioner no.3 is minor when this application was filed. Materials available to me discloses that the allegations against petitioner nos.2 and 3 are evasive, unspecified and omnibus in nature. No specific overt act has been alleged by the victim or other witnesses against them during the course of investigation, though some sort of specific overtact has been alleged against petitioner no.1 who is the daughter-in-law of the victim. Materials in FIR against petitioner no.1 discloses that the dispute is not merely matrimonial dispute but as per allegation petitioner no.1 has set fire on the body of victim who is her mother-in-law and who sustained serious burn injury. Therefore, if the allegations against petitioner no.1 are taken to be true as they stand, it is

evident that they implicate serious offences having a bearing on a vital societal interest in prosecuting serious crime against her and therefore it would not be safe to leave the alleged serious crime-doer only because she and the victim have settled the dispute amicably.

It is settled law that before exercise of power under Section 482 Cr.P.C. read with Section 528 BNSS in such cases, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious crimes cannot be automatically quashed, even though victim and offender have amicably settled the dispute.

Having heard learned Counsel for the petitioners and the State, I find that though the instant case is not liable to be quashed in respect of petitioner no.1 but since no specific overt act or any specific allegation has been attributed against petitioner no.2 and 3, the instant proceeding is liable to be quashed against them.

In such view of the matter, the proceeding being G.R. Case No.2082 of 2024, presently pending before learned Additional Chief Judicial Magistrate, Arambagh, Hooghly is hereby quashed *qua* the petitioner no.2 and 3, namely, Soma Dolui @ Susama Maji and Saikat Maji @ Saikat Majhi.

CRR 656 of 2025 along with connected applications are accordingly disposed of.

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.)