

10.

Ct.29

17.04.2026
Bd.

CRR 1368 of 2026

IA No. CRAN 1 of 2026

Raguthu Avilash
-vs-
The State of West Bengal & Anr.

Mr. Moyukh Mukherjee
Ms. Sarmistha Basak ... for the petitioner

Mr. Abhijit Singh
Mr. Kaustav Lal Mukherjee ... for the opposite party no. 2

Mr. Joydip Biswas
Mr. Akash Ganguly ... for the State

Report submitted by Sub-Inspector of Police, Shibpur Police Station dated 12.04.2026 is taken on record.

Petitioner in this case has prayed for quashing of the proceeding in connection with the Shibpur Police Station Case No. 492 of 2025 corresponding to GR Case No.615 of 2025 presently pending before the Court of learned Chief Judicial Magistrate, Howrah.

The allegations leveled in the written complaint is that on 06.11.2025 the complainant's son aged about 28 years left his home to ride Rapido Bike. At around 9.15 p.m. complainant received information that some unknown persons took his son away by force from Satyajit Railway Ground in a suspicious manner. Upon reaching the spot, the complainant's son's bike and slippers were found lying there, but his son was not found.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner preferred the instant application contending that FIR was lodged against unknown miscreants and

it does not attribute to direct or personal involvement of the present petitioner. However, during pendency of the instant proceeding, the parties have amicably settled their disputes and to that extent they have filed one connected application being CRAN 1 of 2026.

Learned counsel appearing for the opposite party no. 2/complainant submits that since they have mutually settled their private disputes, the complainant does not want to proceed further with the present case in the interest of their future mutual co-existence. He therefore prays that impugned criminal proceeding be quashed.

Learned counsel appearing for the State submits that the offences alleged against the petitioner are not compoundable. However, the investigating agency has submitted a report dated 12.04.2026 along with statement of the defacto-complainant duly recorded by the Investigating Officer, which discloses that the complainant has amicably settled the dispute and at present he has levied no allegation against the petitioner and as such he does not want to proceed further with the instant complaint.

I have considered the submissions made by the parties. On perusal of the statements recorded during investigation, it appears that witnesses submitted before police that FIR was lodged against unknown persons but during pendency of investigation they came to know about petitioner's involvement with the alleged offence but they have thereafter amicably settled their personal dispute and complainant does not want to proceed further with the case. Nowhere the petitioner's role in the alleged

offence has been stated nor any specific allegation relating to alleged kidnapping of the victim has been attributed against the petitioner anywhere.

The inherent power of High Court under Section 528 of the BNSS/482 of the Code of Criminal Procedure to quash criminal proceedings involving non-compoundable offence in view of compromise arrived at between the parties, when available, has been laid down by the Apex Court in **Gian Singh Vs. State of Punjab & another, (2012) 10 SCC 303**, which includes the cases of family disputes where the wrong is basically private or personal in nature and in view of the compromise between the alleged offender and victim, the possibility of conviction is remote and bleak.

The instant case, though has been initiated under Section 137(2) and 140(3) of BNS, but facts and circumstances of the case and material available before the Court, clearly indicative of private in nature and do not have a serious impact on the society, on the ground that there is a settlement/compromise between the victim and the alleged offender. Though offence under Section 137(2) and 140(3) of BNS is generally grave and non-compoundable offence but High Court's power to quash the proceeding certainty depends upon facts and circumstances of each case.

Here I find from the available materials that the incorporation of Section 137(2) and 140(3) of BNS is there for the sake of it and the prosecution has failed to collect sufficient evidence to constitute alleged offences against petitioner.

In the above circumstances when the court is not even convinced that offence under Section 137(2) and 140(3) of BNS would prima facie make out, it is felt that there should be no hesitation in quashing the proceeding based on compromise between the parties.

Having considered so, the application being CRR 1368 of 2026 is allowed. The connected application is also disposed of.

The impugned proceeding being GR Case No.615 of 2025 presently pending before the Court of learned Chief Judicial Magistrate, Howrah. is hereby 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.)