

25.06.2026

Sl. No.31.

D/L.

Mithun.

Ct.No.29.

CRR/1770/2026

with

CRAN 1 of 2026

Subhra De

Vs.

The State of West Bengal & Anr.

Mr. Soham Bose

...for the petitioner

Ms. Sinthiya Habib

...for opposite party no.2

Mr. Kallol Mondal, Ld.P.P.,

Mr. Sagar Saha

...for the State

The report along with statement of the victim submitted by S.I., Beniapukur Police Station dated 17.06.2026 are taken on record.

In this application the petitioner has prayed for quashment of the impugned proceeding drawn up in connection with ACGR Case No.351 of 2023 corresponding to Patuli Police Station Case No.239 dated 15.11.2022 under Sections 498A/406 of the Indian Penal Code presently pending before learned 5th Judicial Magistrate, Alipore.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that after marriage the relationship between the petitioner and the private opposite party deteriorated owing to differences in their temperament, habits, taste, thoughts and increasing incompatibility. Therefore, they realized that they would not be able to continue with their matrimonial relationship.

However, a complaint was drawn by the opposite party herein which resulted the aforesaid FIR being Patuli Police Station Case No.239 of 2022. After making investigation, police has submitted charge sheet against the petitioner. During pendency of the instant application, good sense prevailed among the parties and they have voluntarily decided to settle the dispute among themselves. To that extent, the parties have filed a connected application being CRAN 1 of 2026.

Learned Counsel appearing on behalf of opposite party no.2 on instruction submits that the opposite party no.2 has decided not to support the imputation levelled against the petitioner during trial as the dispute has been amicably settled between the petitioner and the opposite party no.2. Therefore, both petitioner and opposite party no.2 submit that the proceeding being ACGR Case No.351 of 2023 may be quashed.

Learned Counsel appearing on behalf of the State submits that the dispute between the parties is matrimonial and private in nature, and, as such, if in the shake of their future peaceful life, they want to settle their dispute amicably, the State does not want to stand in their way.

Having heard learned Counsel for the petitioner and both the opposite parties, it appears that due to matrimonial discord, the proceeding was initiated by the complainant against the petitioner but thereafter they have settled their dispute in lieu of some monetary transsaction which has also been reflected in the

statement recorded by police and annexed with the report dated 17.06.2026.

In view of aforesaid facts and circumstances of the case, I find that even if the proceeding is allowed to continue, there is hardly any chance of conviction as the *de facto* complainant has already decided not to support the imputation levelled against the petitioner. As such, refusal of the prayer made by both petitioner and opposite party no.2 for quashment of the said proceeding merely on the ground that some of the offences are non-compoundable, may become counter-productive. In overall analysis, I find that further continuance of the impugned proceeding would be mere abuse of the process of the Court.

In view of above, CRR 1770 of 2026 along with CRAN 1 of 2026 are allowed.

The impugned proceeding being ACGR Case No.351 of 2023 arising out of Patuli Police Station Case No.239 dated 15.11.2022 under Sections 498A/406 of the Indian Penal Code presently pending before learned 5th Judicial Magistrate, Alipore is hereby quashed.

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.)