

01.07.2026
Serial no. 22
[Srimanta]
Ct. No. - 29

CRR 2319 of 2026

In re : An Application under Sections 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

**In the matter of : TUTUL MAJUMDER @ SURAJ
MAJUMDER AND OTHERS**

... .. Petitioners

*Mr. Ananya Bose,
Mr. Mehedi Masud, Advocates*

... .. *For the Petitioners.*

*Mr. Kallol Mondal, Ld. P.P.
Mr. Imran Siddiqui, Advocate*

.....*For the State.*

1. In this application, the petitioners have prayed for quashment of the proceeding arising out of Habra Police Station Case No. 71/2026 under Section 85 of the BNSS presently pending before learned Chief Judicial Magistrate, Barasat.
2. Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner, submits that the petitioner no. 1 got married with the de facto complainant and during the subsistence of their marriage, the parties lived together happily and they are blessed with a child. However, certain normal temperamental differences and emotional interventions and misunderstanding led to occasional matrimonial discord. Due to aforesaid misunderstanding

and emotional intervention from family members and relatives, the opposite party no. 2 herein left the matrimonial home and started residing at her parental house and during the said period, the dispute between the parties escalated on account of external instigation and emotional distress which gave birth to the impugned FIR.

3. However, during pendency of the investigation with the intervention of respectable members of the society, family elders and well-wishers, the matrimonial discord, miscommunication and emotional turmoil prevailing at the relevant point of time could be removed and the parties have amicably resolved all their disputes, differences and misunderstanding and presently voluntarily and peacefully are leading their matrimonial life along with their child.
4. He further submits that pursuant to the settlement arrived at between the parties, the opposite party no. 2 has resumed cohabitation with the petitioner no. 1 and both the parties are presently residing together peacefully and harmoniously as husband and wife and their relationship is cordial at present and, therefore, the petitioners submit that further continuance of the impugned proceeding will not yield any fruitful result and, therefore, the said proceeding may be quashed.
5. The opposite party/de facto complainant appears in person and on being asked, she submitted that at present she has

no allegation against her husband and in-laws and they are presently leading their matrimonial life peacefully.

6. Learned Counsel appearing on behalf of the State placed the case diary which states that only two statements were recorded during the investigation but the allegation leveled therein are evasive and no specific role has been attributed against any of the accused persons in connection with commission of the alleged offence.
7. Therefore, I find that in view of such amicable settlement and also considering the materials collected during investigation, there is hardly any chance of conviction even if a facade trial is allowed to continue on the ground that Section 498A is a non-compoundable offence. Therefore, I find that further continuance of the impugned proceeding would be mere waste of valuable time of the Court and, therefore, I find that it is a fit case where the proceeding is to be quashed invoking this Court's jurisdiction under Section 528 of the BNSS in the interest of future mutual peaceful co-existence of the parties.
8. In view of above, CRR/2319/2026 is allowed
9. The impugned proceeding being Habra Police Station Case No. 71/2026 dated 12.02.2026 under Section 85 of the BNSS presently pending before learned Chief Judicial Magistrate, Barasat is hereby quashed.

(Dr. Ajoy Kumar Mukherjee, J.)

