16.
20.11.2026
BD.
Ct.29

CRR 3008 of 2026
With
CRAN 1 of 2026

Sukanta Sarkar & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Shyamal Kanti Banerjee
Mr. Jayanta Datta
Ms. Nipasri Tagore
Mr. Sibaprakash Bhattacharjee
Mr. Atanu Mondal ...for the Petitioners

Ms. Arfeen Begum
Mr. Dip Dutta
Mr. Shaswata Sadhukhan
..for the O.P. no. 2

Mr. Rajdeep Biswas
Mr. Ravi Ranjan Kumar ...for the State

In this application petitioners have prayed for quashing of the proceeding being S.T. Case No. 7(7) of 2025 corresponding to Sessions Case No. 37 of 2022 arising out of GR Case No. 413 of 2020 under sections 498A/313 of the IPC presently pending before learned Additional District and Sessions Judge, Fast Track Court, Baruipur, South 24 Parganas.

The gist of the complaint lodged by the opposite party no. 2 herein is to the effect that after the marriage the opposite party no. 2 was allegedly subjected to mental and physical cruelty over demand of money in connection with family affairs and that the accused persons had caused termination of her pregnancy and that on 10.11.2019 she was allegedly assaulted and thereafter she left the matrimonial home. After completion of investigation police submitted charge-sheet under section 498A/313 of the

IPC and after commitment of the case record the concerned Sessions Judge has framed charge against the petitioners.

It is submitted however, during pendency of the aforesaid proceeding at the intervention of friends, relatives and well-wishers of both sides, the entire dispute giving rise to the cause of action behind the initiation of the instant proceeding has been amicably and completely settled between the defacto-complainant and the accused persons.

It is further submitted that to that effect the parties have executed a Memorandum of Understanding dated 29th July, 2025. In terms of settlement, parties have also decided to dissolve their marriage by mutual consent.

It is further submitted that in terms of settlement the opposite party no. 2, has agreed to receive a sum of Rs. 15,00,000/-(fifteen Lakh only) as one time permanent alimony towards full and final settlement of her all claims, and she has further claimed that she is not willing to proceed further with the instant case.

Learned counsel appearing on behalf of the opposite party no. 2 submits that the matter has been settled amicably and his client's instruction is she will not depose in support of the imputations leveled in the complaint and therefore opposite party no. 2 also supports the petitioners prayer for quashment of the impugned proceeding.

Learned counsel appearing on behalf of the State placed a letter dated 12.10.2026, it also discloses from the said letter that the Investigating Officer recorded statement of the

defacto complainant where she has stated that she has mutually settled the dispute and memorandum of understanding has been executed to that extent and this is why she voluntarily submitted the joint petition along her husband being CRAN 1 of 2026.

I have considered the submission made on behalf of the parties and I have also gone through the materials available in the case diary. It appears that the allegation leveled against the petitioners are general and omnibus in nature and also devoid of any specific overt act attributable to any of them.

It also appears that the petitioner nos. 2 and 3 have been arraigned merely by virtue of their relationship with the petitioner no. 1. It also appears that there is hardly any chance of conviction of the petitioners on the basis of materials collected during investigation.

Furthermore, learned counsel appearing on behalf of the opposite party no. 2 submits that defacto complainant has decided not to adduce evidence against the petitioners and she also wants to put an end to the matrimonial relationship and for which they already filed a suit seeking dissolution of marriage. Therefore, what will happen even if a façade trial is allowed to continue only on the ground that the offences are non-compoundable. On the contrary, when the parties have mutually settled their disputes and to that extent they have decided to dissolve their marital tie with the hope of future peaceful life, I find if the prayer for quashment is rejected on that ground, it may become counter-productive for the alleged victim.

In such view of the matter, I find that this is a fit case where invoking this court's jurisdiction under section 528 of the BNS the proceeding is required to be quashed.

In view of above, CRR 3008 of 2026 along with CRAN 1 of 2026 are allowed.

The impugned proceeding being S.T. Case No. 7(7) of 2025 corresponding to Sessions Case No. 37 of 2022 arising out of GR Case No. 413 of 2020 presently pending before learned Additional District and Sessions Judge, Fast Track Court, Baruipur, South 24 Parganas is hereby quashed.

Memo of Evidence and the letter dated 12.10.2026 sent by Inspector In-Charge Narendrapur, Police Station are taken on record.

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.)