**14.10.2026**
**Sl No.07**
**BD**
**Ct. no. 29**

**CRR 3099 of 2026**
**with**
**CRAN 1 of 2026**

**Hasibulla Mufti & Ors.**
**Vs.**
**The State of West Bengal & Anr.**

Mrs. Sonali Das
...for the petitioners

Mr. Sk. Sahil Ahmed
...for the *de facto* complainant

Mr. Ranajoy Chatterjee
Mr. Sayan Mukherjee ...for the State

Affidavit of service filed by the petitioners is taken on record.

In this application, the petitioners have prayed for quashment of the proceeding being Sessions Case No. 147 of 2026 presently pending before learned Additional Sessions Judge, 1st Court, Uluberia.

Bauria Police Station Case No. 174 of 2010 under sections 498A/323/328/34 of the Indian Penal Code had been registered against the petitioners on the basis of written complaint alleging inter alia that the complainant was married to petitioner Hasibulla Mufti four years ago. The marriage was solemnized by fulfilling all the demands of her husband and in laws and she started residing in her in laws house. After two three months, she came to know that her husband had an affair with a lady in that locality. Relatives of the husband

allegedly demanded Rs. 1,00,000/- from her and when she could not fulfill the demand she was subjected to mental and physical torture. Even her husband used to beat her in a closed room at night.

It is further alleged that after one year her husband and his family members mixed poison in her rice and she started vomiting after eating. Thereafter she was taken to Uluberia Hospital where after treatment she was recovered. On 19.11.2010 at about 3.00 p.m. complainants husband along with his two brothers came to complainants house and wanted to take away the child forcibly. When complainant raised protest, they assaulted the complainant.

Being aggrieved by the aforesaid proceeding learned counsel for the petitioners submits that the allegations leveled against the petitioners in the complaint is omnibus in nature and no specific overt act has been attributed against any of the petitioners.

However, it is submitted that during pendency of the instant application, the parties have amicably settled their disputes.

It is further submitted that the present dispute is purely civil and personal in nature and no public policy involved in the entire allegations.

It has further been submitted that the marriage between the petitioner no. 1 and the defacto complainant have already

been dissolved by way of mutual divorce and the opposite party no. 2/ complainant after dissolution of marriage, at present happily leading matrimonial life with another person and is blessed with two children born due to said wedlock. Therefore, learned counsel for the petitioners submits that further continuation of the impugned proceeding against the petitioners who are the husband and in laws of the defacto complainant would be mere abuse of the process of the Court.

Learned Counsel appearing on behalf of the opposite party no.2 on instruction submits that the petitioner no. 1 and the opposite party no. 2 have amicably settled their disputes and they have recorded such statement and thereby they have filed one connected application being CRAN 1 of 2026. In the said application both the petitioner no. 1 and the opposite party no.2 have expressed their unwillingness to continue with the proceeding.

Learned counsel for the opposite party no. 2 further submits that since the opposite party no. 2 is presently leading peaceful matrimonial life with another person and as the disputes have been settled she has decided not to adduce evidence in support of the imputations leveled against the petitioners and as such there is no requirement to go for ordeal of a trial, which will not yield any fruitful result and therefore he also submits that the proceeding may be quashed as sought for by the petitioners.

Learned Counsel appearing on behalf of the State placed a report dated 18.08.2026 submitted by the S.I.of Police along with a recorded statement of the alleged victim, wherefrom it appears that the victim/opposite party no. 2 has decided not to continue with the impugned criminal proceeding as she has settled the disputes with her husband and in-laws. Therefore, learned counsel for the State leaves the prayer for quashment made by the petitioners and opposite party no.2 to the discretion of the Court.

In the above facts and circumstances of the case, what would happen to the trial of the case, where the defacto complainant/wife does not support the imputations made in the FIR. The reasons for not supporting the imputations may be that she has resolved disputes with the petitioner No.1/ex-husband and his other family members and as a result thereof she has dissolved martial tie with the petitioner No.1 and started living peacefully with her newly married husband. In such eventuality there would be almost no chance of conviction. Therefore it would not be proper to decline to exercise power of quashing on the ground that some of the offences alleged against the petitioners are non-compoundable offences. There is also nothing to say that the prayer for quashment made by both by the complainant and the petitioners is suffering from lack of bonafides. Therefore, when in my opinion, chances of ultimate conviction of the

petitioners are bleak and therefore, no useful purpose is likely to be served by allowing the present criminal proceeding to continue, I find that taking into consideration, the special fact of the case i.e. amicable settlement between the parties and complainants subsequent matrimonial life with someone else, this is a fit case where proceeding is to be quashed, invoking this court's jurisdiction under Section 528 of BNSS. Any hyper-technical view in the present context may become counter-productive and may act against interest of complainant herein, for whose protection, penal provisions have been legislated.

Therefore, I find that to secure the ends of justice the prayer made by the petitioners and the opposite party no. 2 for quashment of the proceeding is required to be allowed.

In such view of the matter, CRR 3099 of 2026 along with connected application being CRAN 1 of 2026 are allowed.

The impugned proceeding being Sessions Case No. 147 of 2026 presently pending before learned Additional Sessions Judge, 1st Court, Uluberia. is hereby quashed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Dr. Ajoy Kumar Mukherjee, J.)**