06.10.2026
Serial nos. 09-12
[Srimanta]
Ct. No. - 39

IA No.: CRAN/1/2026
in
CRR/1094/2025

In re : An Application under Section 528 read with Section 438/442 of Bharatiya Nagarik Suraksha Sanhita, 2023

-And-

In the matter of : Swarnali Saha

… … Petitioner.

With

CRR/4340/2026

In re : An Application under Sections 397/401/482 of the Code of Criminal Procedure, 1973 corresponding to Section 442/528 of Bharatiya Nagarik Suraksha Sanhita, 2023

-And-

In the matter of : Dr. Anirban Kundu & Ors.

… … Petitioners.

With

CRR/4339/2026

In re : An Application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023

-And-

In the matter of : Dr. Anirban Kundu

… … Petitioner

With

CRR/4341/2026

In re : An Application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023

-And-

In the matter of : Dr. Anirban Kundu & Ors.

… … Petitioners.

Mr. Kaushik Gupta
Mr. Debangan Bhattacharyya,
Ms. Busra Khatun

…For the petitioner in CRR/1094/2025

AND

For the Private Opposite parties in CRR/4340/2026,4339/2026,4341/2026.

Mr. Arindam Jana,
Mr. Krishan Ray,
Mr. Subhrojyoti De,
Mr. Saikat Guin,
Ms. Sonali Ghosh

…For the Petitioner in CRR/4340/2026,4339/2026,4341/2026

AND

…For the Opposite parties in CRR/1094/2025.

Mr. Imran Siddiqui,
Mr. Deepak Khetawat

…For the State.

1. All these matters have been taken up together upon mentioning by the parties after filing three joint applications on account of compromise, being CRAN/1/2026, praying for disposal of this case by a common order/judgment. All these proceedings are pending between the family members of the husband and wife.
2. The CRR/1094/2025 has been filed by the wife challenging the order dated 30.01.2025 passed in SC No. 45/2024 by the learned Additional Sessions Judge, 2nd Court, Sealdah, South 24-Parganas, thereby rejecting the petitioner's prayer for further investigation in connection with Manicktala Police Station Case No. 259/2023 dated 29.09.2023, after filing charge-sheet being Charge-sheet No. 130/2024 dated 28.05.2024 under Sections

498A/406/506/509/341/323/354/354D/354C/313 /34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act and Sections 66/67A of Information Technology Act and Section 5 of Medical Termination of Pregnancy Act corresponding to SC No. 45 of 2024 feeling aggrieved with the investigation, conducted mechanically and in a perfunctory manner by the Investigating Agency.

3. The second revisional application being CRR/4340/2026 was filed by the husband and his family members seeking quashing of the proceedings being Sessions Case No. 45 of 2024, is pending before the learned Additional District and Sessions Judge, 2nd Court, Sealdah, South 24-Parganas.

4. The third revisional application, being CRR/4341/2026, has also been filed by the husband and his family members seeking quashing of the proceedings arising out of Domestic Violence Case No. 58/2024 pending before the learned 1st Judicial Magistrate, Sealdah, South 24-Parganas.

5. The last and fourth revisional application being CRR/4339/2026 has been filed by the husband/sole petitioner, seeking quashing of the proceedings arising out of maintenance Case No. 69/2025 pending before the learned Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas.

6. The learned Counsels appearing on behalf of the respective parties jointly submit that the parties have settled their

dispute out of Court with the intervention of well-wishers and friends of the husband and wife, and ultimately they have filed joint applications before this Court seeking quashing of all proceedings pending before the Trial Court as aforesaid.

7. The learned Counsels further draw the attention of this Court to paragraph no. 8 of CRAN/1/2026, wherein each of the three separate revisional applications by which both the parties have agreed and settled their disputes in various terms and conditions are mentioned after arriving at the settlement.

8. On careful perusal of all the records, this Court finds the disputes between the parties are private or personal in nature, and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the original proceedings if, in its view, the possibility of conviction is remote and bleak and the continuation of such proceedings would cause great prejudice and oppression. Therefore, in exercise of power conferred upon this Court under Section 482 of the Code of Criminal Procedure, prayers for quashing of the aforesaid proceedings are considered and allowed.

9. A Larger Bench of the Hon'ble Supreme Court in ***Gian Singh V. State of Punjab and Another***[1] considered the relevant provisions of the Code and held as under: -

> *"**61.** The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression*

[1] ***(2012) 10 Supreme Court cases 303***

and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

(Emphasis supplied)"

10. In ***Ramgopal & Anr. Vs. The State of Madhya Pradesh***[2], the Hon'ble Supreme Court categorically held in paragraph nos. 13, 14 and 15 as under: -

"13. It appears to us those criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by

[2] [2021] 6 S.C.R. 249

this Court in ***Narinder Singh & Ors. vs. State of Punjab & Ors.[3] and Laxmi Narayan (Supra)***.

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

15. Given these settled parameters, the order of the High Court of Madhya Pradesh culminating into Criminal Appeal No. 1489 of 2012, to the extent it holds that the High Court does not have power to compound a non-compoundable offence, is in ignorance of its inherent powers under Section 482 Cr.P.C. and is, thus, unsustainable.

(Emphasis Supplied)"

11. The Hon'ble Supreme Court further held in paragraph no. 19 of the aforesaid judgment as under:

"19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: ***(i)*** *Nature and effect of the offence on the conscious of the society;* ***(ii)*** *Seriousness of the injury, if any****;*** ***(iii)*** *Voluntary nature of compromise between the accused and the victim; &* ***(iv)*** *Conduct of the accused persons, prior to and after the occurrence of*

[3] (2014) 6 SCC 466

the purported offence and/or other relevant considerations."

12. In view of the above discussion and considering the observations of the Hon'ble Supreme Court in the aforesaid judgments, **CRR/4340/2026**, **CRR/4341/2026** and **CRR/4339/2026** are disposed of. **CRAN 1 of 2026** is also disposed of.
13. The proceedings pending before the Trial Courts as aforesaid are hereby quashed.
14. Consequently, **CRR/1094/2025** became infructuous due to quashing of the aforesaid proceedings being SC No. 45/2024. Accordingly, same is also, thus, disposed of.
15. Interim orders, if any, stand vacated.
16. Let a copy of this order be communicated to the respective learned Courts below for information.
17. All parties are to act on the server copy of this order duly downloaded from the official *website* of the Calcutta High Court.
18. Urgent xerox certified copy, if applied for by the parties, same shall be supplied upon compliance of the necessary formalities.

(Ajay Kumar Gupta, J.)