

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 77 of 2026
CRAN 1 of 2026

Ajay Kumar
Vs.
The State of West Bengal and another

For the Petitioner	:	Mr. Abhishek Singh
For the State	:	Mr. A.S. Chakraborty Mr. Subhasish Misra
For the OP No.2	:	Mr. Gopal Roy
Last heard on	:	23.03.2026
Judgement delivered on	:	23.03.2026

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding being Pradhan Nagar Police Station Case No.743/2025 dated 10.11.2025 under Sections 85 and 82(2) of the BNS, 2023, corresponding to PTN Case No.WBDJ0EP0052752025 pending before the learned Additional Chief Judicial Magistrate at Siliguri, Darjeeling.

Learned counsel for the petitioner submits that the petitioner is the sole accused in this case. The opposite party No.2 alleged in the FIR that the

petitioner was a married man. Yet, he got married to the petitioner No.2 second time without obtaining divorce from the first wife. There was also allegation made in terms of Section 85 of the BNS. During pendency of the present case, at the intervention of the common friends, all the disputes that had led to registration of the FIR have been settled between the private parties. In the interest of justice, the impugned proceeding ought to be quashed.

Learned counsel for the de facto complainant supports such contention of the petitioner and submits that there is a settlement arrived at between the private parties of all disputes that had led to registration of the FIR. As such, the impugned proceeding may be quashed on the ground of settlement and compromise.

Learned counsel for the State submits that a charge-sheet has been submitted. However, the State would not come in the way of settlement which is arrived at between the private parties. Incidentally, there is no injury report present in the case diary.

First, an offence under Section 82(2) of the BNS cannot be prosecuted except by way of a complaint case in view of section 219 of the BNSS.

In any event, so far as the allegations, either under Section 82(2) or under Section 85 of the BNS are concerned, it appears that a settlement has been arrived at between the private parties and they do not want to proceed with the present case.

Considering the above and in the interest of justice, I hereby quash the impugned proceeding arising out of Pradhan Nagar Police Station Case

No.743/2025 dated 10.11.2025 on the ground of settlement arrived at between the private parties.

Accordingly, the revisional application and the connected application being CRAN 1 of 2026 stand disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

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