

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

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 81 of 2026

Arkoprovo Saha
Vs.
The State of West Bengal and another

For the Petitioner	:	Mr. Chayan Moni Bhowal
For the State	:	Mr. A.S. Chakraborty, Id. APP, Mr. Arjun Chowdhury
For the OP No.4	:	Mr. Mayank Bhandari
Last heard on	:	19.03.2026
Judgement delivered on	:	19.03.2026

Jay Sengupta, J. :

This is an application for quashing proceeding in C.R. Case No. 2812 of 2024 arising out of Siliguri PS Case No. 746 dated 10.08.2024 where a charge sheet was submitted under Sections 126(2), 115(2), 109 and 351(2) of the BNS.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the son of the alleged victim. He has been falsely implicated in this case by a rank outsider. The de facto complainant being the local councillor has falsely alleged that the petitioner had been beating up his mother. In fact, it was

alleged that he had beaten her up, banged her head on the wall, which caused severe injuries. All these are false. The petitioner did not even know about all these. He learnt about it only after the FIR was registered. Now, disputes, if any, have been settled between the private parties. The proceeding may be quashed.

Learned counsel appearing on behalf of the alleged victim submits as follows. The alleged victim is about 73 years old. She had actually fallen down the stairs and injured herself. The impugned proceeding against her son, the present petitioner may be quashed.

Learned counsel appearing on behalf of the State strongly opposes the prayer for quashing. He submits that this is an offence against the State and this kind of offence and injury cannot be compromised or settled between the private parties. It appears that the aged mother is now trying to save her son, whether under duress or otherwise. Learned counsel refers to the injury reports present at pages 16 and 17 of the case diary and the statement of the victim recorded by the police at page 7 of the case diary. He also refers to the other statement on record.

In the statement made before the police, the alleged victim has clearly implicated the present petitioner. She stated that the petitioner came drunk and severely assaulted her. In fact, he would do the same very often. He wanted the victim to convey her property to the petitioner.

From the injury report present at page 16 of the case diary, it appears that the sister of the present victim had brought her to the hospital and she stated that the physical assault was done by the petitioner. There was head injury with multiple black spots over the body. The injury is also recorded as grievous in the injury report as contained in page 17 of the case diary.

A prima facie case is, therefore, clearly made out against the petitioner.

Such serious offences cannot be termed to be of private nature either. Therefore, the same cannot even be quashed merely on the ground of settlement or the victim giving a no objection.

Considering the above and the other incriminating materials available in the case diary, I do not find any merit in this application for quashing. Accordingly, the same is dismissed.

However, there shall be no order as to costs.

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

(Jay Sengupta, J.)