08.10.2026
5.
Bd.
(Disposed of)
Ct.05

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
C.R.R. 488 of 2025
CRAN 1 of 2026

Mostafa Mohammad @ Mostafa Md. & Ors.
-vs-
The State of West Bengal & Anr.

Mr. Supritam Nag
Mr. Uday Shankar Roy ...for the Petitioners

Ms. Shabnab Sultana ... for the private respondent.

Mr. Avrojyoti Das
Mr. Gobinda Ghosh
Ms. Madhushri Dutta ... for the State.

In this application petitioners have prayed for quashment of the proceeding being GR Case No. 3503 of 2024 presently pending before learned Chief Judicial Magistrate, Jalpaiguri,

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that the allegations levelled in the complaint inter alia is that on 13.07.2024 at about 1.30 p.m. the present petitioners attacked the complainant while she was heading towards school to bring back her daughter and son from school. It was also alleged that the petitioners threatened the opposite party no. 2 with a dire consequence and after four days of the said incident opposite party no. 2 lodged the instant complaint. The parties have amicably settled their disputes in the meantime and to that extent they have

filed one application being CRAN 1 of 2026. In view of such amicable settlement the defacto-complainant has decided not to support the imputations levelled against the petitioners in the complaint. Therefore, learned counsel counsel for the petitioners submits that no fruitful purpose will be served even if a facade trial is allowed to continue. Therefore, in the interest of their future peaceful life the proceeding may be quashed.

Learned counsel, Ms. Sabnam Sultana, appearing on behalf of the opposite party no. 2, on instructions submits that the defacto complainant has decided not to support the imputations levelled in the complaint, in view of amicable settlement and therefore she also prays that aforesaid criminal proceeding may be quashed as sought for by the petitioners.

Learned counsel appearing on behalf of the State placed the case diary and has pointed out the statement recorded under section 180 of the BNS.

Having gone through the materials collected during investigation it appears that the dispute between the parties are purely private in nature and no public policy is involved in the said criminal proceeding. Furthermore, parties have amicably settled the disputes and the opposite party no. 2 have decided not to support the imputations levelled in the written complaint. Therefore what will happen, even if a facade trial is allowed to continue. It would be nothing but mere wastage of court's

hour. Therefore, I find that further continuance of the impugned proceeding against the present petitioners would be mere abuse of the process of the court. It is a fit case where the proceeding is required to be quashed invoking this Court's jurisdiction under section 528 of the BNSS.

In such view of the matter CRR 488 of 2025 along with CRAN 1 of 2026 are allowed.

The impugned proceeding being GR Case No. 3503 of 2024 presently pending before learned Chief Judicial Magistrate, Jalpaiguri, is hereby quashed.

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.)