08.10.2026
02.
Bd.
(Disposed of)
Ct.05

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
C.R.R. 375 of 2026
With
CRAN 1 of 2026

Sri Rakesh Saha & Ors.
-vs-
The State of West Bengal & Anr.

Mr. Niloy Chakraborty
Mr. Sourav Lohani ...for the Petitioners

Ms. Avisickta Das
Mr. Navneet Yang Lama ... for the private respondents.

Mr. Avrojyoti Das
Mr. Gobinda Ghosh
Mr. Rajdeep Das ... for the State.

In this application petitioners have prayed for quashment of the proceeding being GR Case No. 4513 of 2024 presently pending before learned Additional District Judge, 4th Court, Jalpaiguri.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that in the petition of complaint the allegations made regarding sexual violence and dowry torture by her husband and others and persistent pressure created upon the complainant by the accused persons.

The allegations levelled in the petition of complaint are general and omnibus in nature and no specific overt act has been attributed to each of the petitioners so as to disclose the commission of the alleged offence. Upon completion of investigation investigating officer submitted

charge-sheet against the petitioners. However, thereafter due to marriage between the victim and the petitioner no. 1 the situation developed though the matrimonial relationship could not be continued and the parties have amicably resolved their matrimonial disputes and differences.

It is submitted that the settlement between the parties have been arrived at voluntarily and pursuant to aforesaid settlement the petitioner no. 1 and the victim have jointly instituted the proceeding under section 13-B of the Hindu Marriage Act, 1955 being MAT Suit No. 74(03)of 2026, which is presently pending for disposal.

It is further submitted on behalf of the petitioners that institution of the aforesaid mutual consent divorce proceeding is a subsequent and material development demonstrating that the parties have voluntarily resolved their matrimonial differences and have consciously decided to bring their matrimonial relationship to an end.

It is further submitted that due to subsequent developments the opposite party no. 2 has no subsisting grievance against the petitioners and does not wish to pursue the criminal proceeding any further.

He further submits that the materials collected during investigation have totally nullified the allegations of rape as alleged in the complaint. Since the parties have amicably settled their disputes and the opposite party no. 2 has decided not to proceed further with the said criminal

proceeding, therefore, further continuance of the impugned proceeding would be a mere abuse of the process of the court.

Learned counsel, Ms. Avisickta Das, appearing on behalf of the opposite party no. 2, submits on instruction that the opposite party no. 2 has decided not to support the imputation levelled against the petitioners in the written complaint during trial and in the interest of their future peaceful life, the opposite party no. 2 also prays for quashment of the proceeding.

Learned counsel appearing on behalf of the State placed the case diary and submits that the disputes between the parties is basically private in nature as appearing from the materials in the case diary. She also submits that from the medical report and other available documents the offence of rape has not been established during investigation. The other allegations are omnibus and general in nature. Therefore, he leaves the prayer for quashment as made out by both the petitioners and opposite party no. 2 to the discretion of the court.

I have considered the submissions made on behalf of the petitioners and both the opposite parties. It appears that the petitioners and the opposite party no. 2 have filed one connected application being CRAN 1 of 2026 where they have recorded that they have amicably settled their disputes and thereby the opposite party no. 2/ defacto complainant does not want to proceed further with the

present criminal proceeding. Therefore, what will happen if the complainant does not support the prosecution case during trial and therefore the inevitable conclusion in such cases would be acquittal in the absence of evidence. Thus, further continuance of the impugned proceeding would be a mere wastage of court's hour. Therefore, I find that this is a fit case where the aforesaid criminal proceeding is required to be quashed invoking this Court's jurisdiction under section 528 of the BNSS to secure the ends of justice.

In view of the above, CRR 375 of 2026 along with CRAN 1 of 2026 are allowed.

The impugned proceeding being GR Case No. 4513 of 2024 arising out of NJP Police Station Case No. 915 of 2024 dated 09.09.2024 presently pending before learned Additional District Judge, 4th Court, 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.)