08.10.2026
03.
Bd.
(Disposed of)
Ct.05

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
C.R.R. 393 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
Ms. Angana Rakshit ... for the private respondents.

Mr. Avrojyoti Das
Mr. Gobinda Saha
Mr. Baishali Chakraborty ... for the State.

In this application petitioners have prayed for quashment of the proceeding being GR Case No. 621 of 2024 presently pending before learned Judicial Magistrate, 1st Court, Jalpaiguri.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that in the complaint it is alleged that the petitioner no. 1 repeatedly requested the victim/defacto complainant to marry him and upon her refusal started misbehaving with her and had abused her with filthy languages and also extended threats to her.

It is further alleged that on 05.02.2024 at about 12.10 hours the accused persons came in front of the complainant's house and created disturbances over a previous grudge and when protested they have assaulted the complainant and his brother and sister.

However, said victim girl and the petitioner no. 1 subsequently solemnized their marriage though the matrimonial relationship could not be continued and they have voluntarily decided to dissolve the matrimonial tie mutually and thereby they have filed one application under section 13-B of the Hindu Marriage Act, which is pending for disposal.

It is submitted that in view of subsequent marriage settlement and other subsequent development the opposite party no. 2 has no subsisting grievance against the petitioners and so she does not wish to pursue the criminal proceeding against the petitioners. The allegation in the complaint is essentially private in nature and therefore further continuance of the impugned proceeding would be mere abuse of the process of the court.

Learned counsel appearing on behalf of the private opposite party submits that the parties have amicably settled their disputes and differences and thereby the opposite party no. 2 also prays for quashment of the proceeding as she does not want to proceed further with the said criminal proceeding.

Learned counsel appearing on behalf of the State placed the case diary and leaves the prayer for quashment to the discretion of the Court.

I have also gone through the materials available in the case diary wherein statements of two or three witnesses have been recorded. The statements are

omnibus in nature and no overt act has been attributed against any of the petitioners. Moreover, in view of aforesaid statement the opposite party no. 2 has decided not to support the imputations levelled against the petitioners in the complaint. Therefore what will happen if the complainant decided not to adduce evidence in support of the prosecution case during trial.

In such situation, 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 393 of 2026 along with CRAN 1 of 2026 are allowed.

The impugned proceeding being GR Case No. 621 of 2024 presently pending before learned Judicial Magistrate, 1st 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.)