06.10.2026
Sl No.06
Mithun
Ct. no. 5

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRR 391of 2026
with
CRAN 1 of 2026

Sri Sanjay Agarwal & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Bickey Sharma,
Mr. Luckey Sherpa
...for the petitioners

Mr. Rajesh Kumar Sharma,
Mr. Sourav Lohani
...for the *de facto* complainant

Mr. Avrojyoti Das, Ld.APP,
Mr. Gobinda Ghosh,
Mr. Rajdeep Das
...for the State

Affidavit of service filed by the petitioner is taken on record.

In this application, the petitioners have prayed for quashment of the proceeding being PTN No.5995 of 2026, presently pending before learned Chief Judicial Magistrate, Jalpaiguri.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that the opposite party no.2 herein lodged the FIR alleging that on 11.08.2026 at about 11 p.m. petitioners restrained the complainant and had caused hurt to the complainant.

However, during pendency of the present proceeding, both the parties have amicably settled their dispute and, therefore, the opposite party no.2 has decided not to proceed further with the said criminal proceeding. Therefore, further continuation of the impugned proceeding under Sections 126(2)/115(2) of the BNS would be mere abuse of the process of the Court. He further submits that the allegation made under Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is not triable by a Judicial Magistrate.

Learned Counsel appearing on behalf of the opposite party submits that since the matter has been amicably settled, the opposite party no.2 had decided not to support the imputation leveled against the petitioners and he also prays for quashment of the proceeding.

Learned Counsel appearing on behalf of the State placed the Case Diary and leaves the prayer for quashment made by the petitioner and opposite party no.2 to the discretion of the Court.

Having heard learned Counsel for the petitioners and both the opposite parties, it appears that the parties have amicably settled their dispute and, therefore, opposite party no.2 has decided not to support the imputation leveled against the petitioners. From the materials collected during investigation, as appearing from the case diary, I find that it

does not constitute any criminal offence against any of the petitioners. Therefore, further continuance of the impugned proceeding would be mere abuse of the process of law.

In such view of the matter, CRR 391 of 2026 along with connected application being CRAN 1 of 2026 are allowed.

The impugned proceeding being CRR 391 of 2026, presently pending before learned Chief Judicial Magistrate, Jalpaiguri is hereby quashed.

Personal appearance of the Investigating Officer is dispensed with.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)