

21.04.2026

Item no.34.

Court No.5.

Suman

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 593 of 2025

**In the matter of :Mahindra Gurung @ Saimon Gurung
.....Petitioner**

Dr. Arjun Chowdhury

Mr. Janardhan Periwai

Ms. Riya Agarwala

...for the petitioner

Mr. Nilay Chakraborty

Mr. Bhaskar Das

..for the State

Mr. Bickey Sharma

.for the defacto complainant.

This application has been presented under Section 528 of the BNSS corresponding to Section 482 of the Code of Criminal Procedure seeking quashing of Kalimpong Women Police Station Case No.23 of 2025 dated 22.08.2025 under Section 64(2)(f) of Bharatiya Nyay Sanhita, 2023.

Dr. Arjun Chowdhury, learned advocate appearing for the petitioner, submits that initially the prayer for pre-arrest of the present petitioner was turned down by a Co-ordinate Bench of this Court and the said order rejecting the petitioner's prayer for pre-arrest bail was assailed by preferring a Special Leave Petition vide SLP (CRL No.15827 of 2025). He submits that in course of hearing the victim was called by the Hon'ble Supreme Court and the Hon'ble Judges of the Hon'ble Supreme Court had a talk with the victim girl and based on the statement made by the victim girl, the said SLP was allowed granting the prayer for anticipatory bail to the petitioner. He submits that the Hon'ble Supreme Court further

directed the recording of the statement of the victim under Section 183 BNS which was duly recorded on 29th October, 2025. He submits that the victim herself stated that she is not interested to proceed with the case. In view of this, Dr. Chowdhury submits that if this case is allowed to proceed with, the same would amount to abuse of due process of law and as such, these proceedings should be quashed.

Mr. Sharma, learned advocate appearing for the de-facto complainant submits, upon instruction that the de-facto complainant shall have no objection if the criminal proceeding is quashed.

Mr. Nilay Chakraborty, learned APP enters appearance on behalf of the State and opposes the prayer of the petitioner for quashing the proceeding.

In the course of hearing, this Court takes note of the order dated December 10, 2025 passed by the Hon'ble Supreme Court in SLP (Criminal) No. 15827 of 2025 (ABC vs. State of West Bengal & Ors.). In paragraph 4 of the said order, it was observed that 'In case any chargesheet is filed, the appellant shall also wholly cooperate with the trial'.

When the order dated 10.12.2025 was brought to the notice of Dr. Chowdhury, he submitted that, prior to the passing of the said order, the chargesheet had already been filed; however, this fact had not been brought to the notice of the Hon'ble Court.

It is, therefore, evident that the Hon'ble Supreme Court indicated that, in the event a chargesheet is filed, the trial would proceed. In view of the above, this Court is not inclined to entertain the present application seeking quashing of the proceeding. Accordingly, CRR 593 of 2026 stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Partha Sarathi Chatterjee, J.)