

23.02.2026
Sl. No.2-5.
D/L.
Mithun
Ct. No.29

CRR 2233 of 2025
with
IA No: CRAN 1 of 2025
with
CRR 1964 of 2023
with
CRAN 7 of 2024
with
CRR 3714 of 2023
with
CRR 4190 of 2022

Swapam Bhowal & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.,
Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Rajashree Tah,
Ms. Trisa Rakshit,
Ms. Aishwarya Datta

...for the Petitioners

Mr. Abhishek Halder,
Ms. Pramiti Bandyopadhyay,
Mr. Swadesh Misra,
Ms. Madhurima Basu,
Mr. Debabrata Halder

...for the O.P. no. 2

Mr. Debasish Roy, Ld. PP
Mr. Saryati Dutta

...for the State
In CRR 2233 of 2025

Mr. Debasish Roy, Ld. PP
Mr. Bitasok Banerjee

...for the State
In CRR 2233 of 2025

Mr. Debasish Roy, Ld. PP
Mr. Madhusudan Sur, Ld. APP
Mr. Manaranjan Mahata

...for the State
In CRR 1964 of 2023
In CRR 3714 of 2023

The petitioners herein prayed for quashing of the proceeding being Special Case No.18 of 2021 presently pending before learned Additional Sessions Judge, 1st Court, Hooghly.

It is submitted on behalf of the petitioners that the Bandel Elite Academy is a self-aided polytechnic college for imparting diploma course to the students in the field of engineering. The crux of the complaint is defalcation of fund from the corpus of the college as well as from other sources.

It is submitted on behalf of the petitioners that during pendency of the instant application and at the instance of the well-wishers, both the petitioners and opposite party no.2 have amicably settled the above-mentioned dispute. Therefore, the opposite party no.2/complainant does not want to proceed further with the instant proceeding. Both the opposite party no.2 and the petitioners have come forward before this Court with a prayer for quashing the aforesaid proceeding in view of aforesaid amicable settlement and to that extent they filed one connected application being CRAN 1 of 2025 which is signed by both the parties.

Learned Public Prosecutor appearing on behalf of the State submits that the institute is a private polytechnic college and, therefore, the dispute is private in nature and enquiry reveals that students are not aggrieved with the alleged misdeeds. Therefore when the parties have amicably settled their internal dispute without intervention of the Court, the State does not want to stand in their way.

Having heard learned Counsel for the petitioners, private opposite party and the State, it appears that the opposite party no.2 has decided not to support the imputation levelled in the

complaint and, as such, there is hardly any chance of conviction at the end of the trial.

From the facts and circumstances and from submissions it further appears to me, if the prayer for quashment made by opposite party is not allowed, merely on the ground that charge sheet mentioned section 409 is not compoundable it may become counter-productive for smooth running of the college and, therefore, in view of amicable settlement, I find that this is a fit case where the proceeding is required to be quashed invoking this Court's jurisdiction under Section 528 of the BNSS read with Section 482 of the Cr.P.C.

In such view of the matter, CRR 2233 of 2025 is allowed.

The impugned proceeding being Special Case No.18 of 2021 pending before learned Additional Sessions Judge, 1st Court, Hooghly is hereby set aside.

In view of disposal of CRR 2233 of 2025, the other applications being CRR 1964 of 2023, CRR 3714 of 2023 and CRR 4190 of 2022 along with connected applications are also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)