



2026:CHC-JP:71

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 66 of 2026
CRAN 1 of 2026

Tapas Sarkar @ Tapash Sarkar and anr
Vs.
The State of West Bengal and another

For the Petitioners : Mr. Arnab Saha
For the State : Mr. A.S. Chakraborty
Mr. Ujjwal Luksom
For the OP No.2 : Mr. S. Akhtar
Last heard on : 25.03.2026
Judgement delivered on : 25.03.2026

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding in GR Case No.827/25 pending before the learned CJM, Alipurduar arising out of Samuktala PS Case No.104/25 dated 11.05.2025 under Sections 109/115(2)/55/85 of the BNS, 2023.



Learned counsel for the petitioners submits that the petitioners are the husband and the mother-in-law of the OP No.2. During pendency of the proceeding, a settlement and compromise has been arrived at between the private parties of all disputes had led to the registration of the FIR. On the ground of such settlement, the impugned proceeding may be quashed.

Learned counsel for the de facto complainant/wife supports such contention of the petitioners. He submits that the disputes that had led to the initiation of the criminal proceeding have been settled between the private parties. She had given the statement to that effect before the learned Magistrate. The husband and the wife are staying together with their minor child.

Learned counsel for the State submits that pursuant to an order passed by a Coordinate Bench of this Court, a further statement of the alleged victim was recorded before the learned Magistrate. According to such statement, there was a settlement arrived at between the private parties at the intervention of common friends and relatives. The husband had given an undertaking that he would not torture the wife anymore. The couple has a child aged about 1½ years. In view of the above, the wife entered into such settlement and she does not want that her husband and the mother-in-law remain in jail. There is an injury report present in the case diary. Although it shows fracture of a finger, there is a noting that the age of the fracture has to be ascertained by an expert.

It appears that there is a settlement arrived at between the private parties and the husband and the wife are staying together with the child.



Considering the above and in the interest of justice, I hereby quash the impugned proceeding on the ground of settlement.

Accordingly, the revisional application along with connected application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)