

GAHC010217122023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1047/2023

RATUL BISWAS
S/O NEPAL BISWAS
R/O VILL- SIKRIBARI (GHOPAR DALAUG), P.S. TAMUPUR,
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : H A SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

27.09.2023.

Heard Mr. H.A. Sarkar, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Addl. P.P., Assam.

2. This application under Section 482 of the Code of Criminal Procedure,

1973 has been filed by the petitioner Sri Ratul Biswasas praying for quashing the FIR and the charge sheet of Tamulpur P.S. Case No.230/2021, leading to registration of the PRC Case No.227/2022, under Section 496/376/294 of the Indian Penal Code.

3. Mr. H.A. Sarkar, learned counsel for the petitioner submits that the said PRC Case No.227/2022 was registered on the basis of an FIR, which is under challenge in this proceeding, and which was filed by the victim on 11.06.2021, before the in-charge of Nagrijuli Police Out Post, inter alia, alleging that the present petitioner had physical relationship with the victim on the false promise to marry her. However, the petitioner married another girl on 13.05.2021 and when the victim went to the house of the petitioner, she was driven out of his house. On receipt of the said FIR, the Tamulpur P.S. Case No.230/2021 was registered.

4. The learned counsel for the petitioner further submits that the PRC Case No.227/2022, which has been registered on the basis of the charge sheet, which was filed after completion of the investigation and in the said case, due to absence of the present petitioner, Non-Bailable Warrant of Arrest (NBWA) was issued against him and by the order dated 05.07.2023, passed by the learned Chief Judicial Magistrate, Baksa, after examination of the Executing Officer of the warrant issued against the present petitioner, the case against the present petitioner was filed, till his appearance.

5. Learned counsel for the petitioner also submits that the petitioner intends to appear before the learned Trial Court and pray for necessary relief before the learned Trial Court and accordingly prays that this Criminal Petition may be disposed of with a direction to the petitioner to approach the learned Trial Court and on his appearance before the learned Trial Court, his petition for seeking

necessary relief like seeking of bail, may be considered by the learned Trial Court.

6. In support of his prayer, the learned counsel for the petitioner has also submitted that the victim of the case has filed an affidavit, a copy of which has been submitted along with the present Criminal Petition as Annexure-4 wherein, inter alia, stating that she does not intend to further proceed with the complaint filed against the present petitioner and she intends to withdraw the said complaint.

7. Mr. R.J. Baruah, learned Addl. P.P., Assam does not oppose the prayer made by the learned counsel for the petitioner.

8. In view of the submissions made by learned counsel for the parties, this Criminal Petition is disposed of with a direction that the petitioner may approach the learned Trial Court within fifteen (15) days of the date of this order and if he does so and files any application for bail, the same shall be considered by the learned Trial Court, as per the law.

9. With this observation, the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant