

GAHC010283682023



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

Case No. : Crl.Pet./1356/2023

SUNNY DEY
S/OLATE TAPAN DEY
R/O UZANBAZAR RAILWAY LINE,
P.S. LATASIL, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:ANITA DEVI
W/O RAJESH PASWAN
R/O UZAN BAZAR RAILWAY LINE
P.S. LATASIL
DIST. KAMRUP (METRO)
ASSAM
PIN-78100

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

23.01.2024

Heard Mr S H Sikdar, learned counsel for the petitioner, Sunny Dey and Mr R R

Kaushik, learned Additional Public Prosecutor for the State of Assam. Also heard Mr S Haque, learned counsel for the respondent No. 2.

2. This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sunny Dey for quashing the criminal proceeding of PRC Case No.599/2022 under Section 366A of Indian Penal Code (arising out of Latasil P.S. Case No.147/2022 under Section 365 of Indian Penal Code) pending before the Court of learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

3. Learned counsel for the petitioner has submitted that on 20.04.2021, an FIR was lodged by the informant, before the Officer-In-Charge of Latasil Police Station, inter-alia, alleging that the daughter of the first informant had left her house and the first informant suspected that as her daughter was speaking to the present petitioner for 5- 6 days before the alleged incident, her daughter had eloped along with the present petitioner and on the basis of the said FIR, an investigation was initiated and later on charge-sheet was laid against the present petitioner under Section 366A of the Indian Penal Code.

4. Learned counsel for the petitioner has submitted that the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973 reveals that the victim herself came with the present petitioner and then stayed in the house of the elder brother of the present petitioner and thereafter, they were brought to the Latasil Police Station.

5. The learned counsel for the petitioner has submitted that the statement of the victim under Section 164 CrPC clearly reveals that she eloped with the petitioner on her own volition.
6. It is also submitted on behalf of the petitioner that both the petitioner and the victim have attained majority and they will be getting married very shortly.
7. Learned counsel for the respondent No. 2 has no objection if the proceeding is quashed against the petitioner.
8. The respondent No. 2 was the first informant and an additional affidavit has been filed by the first informant- respondent No. 2, herein, acknowledging the love relationship between the petitioner and her daughter.
9. It is also submitted that on a misunderstanding, a case was initiated against the petitioner.
10. I have perused the statement of the victim recorded under Section 164 CrPC. Annexure-5 is the statement of the victim under Section 164 CrPC.
11. Although charge sheet has been laid against the petitioner, it appears that probability of conviction appears to be remote and bleak. The victim is about to get married to the petitioner. She has already attained majority. The informant has submitted an additional affidavit, stating that she has no objection if the proceeding is quashed. Thus, it appears that further proceeding will indeed be an abuse of the process of the Court.

12. Considering the submissions at the Bar with circumspection, I deem it proper to invoke the inherent jurisdiction under Section 482 CrPC. The entire proceeding of PRC Case No. 599/2022, arising out of Latacil PS Case No. 147/2022, charge sheeted under Section 366-A IPC, pending in the Court of learned CJM, Kamrup (Metro), is set aside and quashed.

13. In view of the above observations, the criminal petition is disposed of.

JUDGE

Comparing Assistant