

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

IA No: CRAN/4/2022

In

C.R.R. 451 of 2022

Sudhir Chandra Kar & Ors.

Vs.

State of West Bengal & Anr.

**For the petitioners : Mr. Moyukh Mukherjee, Adv.
Mr. Shakti Halder, Adv.
Mr. Sarthak Mondal, Adv.**

**For the O.P. : Mr. Soumik Ganguli, Adv.
Mr. Sourat Nandy, Adv.**

**For the State : Mr. Madhusudan Sur, A.P.P.
Mr. Dipankar Paramanick, Adv.**

Heard on : 29.11.2022

Judgment On : 29.11.2022.

Bibek Chaudhuri, J.

The petitioners are the paternal relatives of the principal accused in connection with Tamluk Police Station Case No.3304 of 2021 dated 20th December, 2021 under Sections 376/417 of the Indian Penal Code. At the outset it is pertinent to mention that no

allegation of establishment of physical relationship on false promise of marriage is attributed to the accused persons/petitioners.

It is ascertained from the Case Diary that marriage of the de-facto complainant was settled through negotiation by the family members of the de-facto complainant and the principal accused. Taking advantage of such mutual settlement of marriage, the principal accused on promise of marriage allegedly committed physical intercourse upon the de-facto complainant.

The de-facto complainant was examined under Section 164 of the Code of Criminal Procedure during investigation. It is stated in her statement that after the principal accused refused to marry the de-facto complainant, his family members/being the petitioners did not want to make any contact with the de-facto complainant.

During the pendency of the instant revision, the parties have filed a joint petition for compromise stating, *inter alia*, that the dispute has been amicably settled out of Court. In order to ascertain the said fact, the Officer-in-Charge of Tamluk Police Station was directed to submit a report. The learned Public Prosecutor-in-Charge has filed a report submitted by the Officer-in-Charge of Tamluk Police Station through him. I have perused the report.

It is found from the report that the de-facto complainant made a written declaration that she does not want to proceed with the case against the petitioners.

On careful perusal of the entire materials on record, I do not find any ingredient of offence under Sections 376/417 of the Indian Penal Code against the petitioners. Therefore, continuation of criminal case will be a futile exercise of judicial time and accordingly, abuse of the process of Court. Since the parties have arrived at mutual settlement, the instant revision is disposed of directing the learned Chief Judicial Magistrate, Tamluk to pass the instant order dropping the instant proceeding against the petitioners of the instant revision as no prima facie case has been established against them.

CRR 451 of 2022 along with CRAN 4 of 2022 stand disposed of accordingly.

The report be kept with the record.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.5..***