

03.08.2023

rpan / 25

CRR 233 of 2017
+
IA No.: CRAN 1 of 2017 (Old No.: CRAN 728 of 2017)
Sk. Akhter @ Samium Aktar & Others
Vs.
The State of West Bengal & Anr.

Mr. Sauradeep Dutta,
Mr. Rajdeep Bhattacharya
... for the Petitioners.
Mr. Bidyut Kumar Roy,
Ms. Sima Biswas
... for the State/Opposite Party no.1.

This revisional application has been filed for quashing the proceeding in connection with G. R. Case No.536 of 2016 pending before the Court of the learned Chief Judicial Magistrate, Barasat corresponding to Barasat Police Station Case No.62 of 2016 dated 26.01.2016 under Sections 363/366A/34 of the Indian Penal Code initiated against the petitioners.

Initially, the father of the victim girl lodged a complaint before the learned Chief Judicial Magistrate at Barasat by taking out one application under Section 156(3) of the Code of Criminal Procedure (in short, the said Code) alleging *inter alia* that on 23rd November, 2015 at about 5:00 a.m. his daughter went out of his house for private tuition but did not return. It was alleged that the accused persons kidnapped her and detained wrongfully at their house. The said application was forwarded to Barasat Police Station and it was registered as Barasat Police Station

Case No.62 of 2016 dated 26.01.2016 under Sections 363/366A/34 of the Indian Penal Code.

Learned advocate appearing for the petitioners submitted that earlier by the order of a co-ordinate Bench the statement of the victim girl was recorded under Section 164 of the said Code wherefrom it is found that the victim girl and the petitioner no.1 married and marriage registration certificate was also found to be genuine by the report of the Inspector-in-charge, Barasat Police Station as well as Muslim Marriage Register.

Learned advocate appearing on behalf of the State submitted that the statement of the victim girl did not construe any offence either under Section 363 or under Section 366A of the Indian Penal Code.

Heard the learned advocates appearing for the respective parties.

On careful perusal of the entire documents on record and that of the case diary, I find that there is hardly any chance to convict the petitioners in view of the statement of the victim girl and marriage by registration between the petitioner no.1 and the victim girl.

Considering the aforesaid facts and circumstances, revealed from the record as well as from the case diary, I find it justified to exercise the power under Section 482 of the said Code to quash the proceeding to secure the ends of justice, in other words, to prevent an abuse of process of court.

With the aforesaid observation, the proceeding in connection with G. R. Case No.536 of 2016 arising out of Barasat

Police Station Case No.62 of 2016 dated 26.01.2016 under Sections 363/366A/34 of the Indian Penal Code lying before the learned Chief Judicial Magistrate, Barasat stands quashed.

The pending application, if there be any, stands disposed of.

Case diary be returned.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Bibhas Ranjan De, J.)