

Form J(1)

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

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

IA No: CRAN/1/2023

In

C.R.R. 525 of 2023

Tanmoy Pramanik & Ors.

Vs.

The State of West Bengal & Anr.

**For the petitioners : Mr. Sourav Chatterjee, Adv.
Ms. Rajkumari Priyanka Devi, Adv.**

**For O.P. No.2 : Mr. Anand Keshari, Adv.
Ms. Sutapa Ghosh Bose, Adv.**

**For the State : Mr. Ranabir Roy Chowdhury, Adv.
Mr. Sandip Chakrabarty, Adv.**

Heard on : 23.02.2023

Judgment On : 23.02.2023.

Bibek Chaudhuri, J.

The instant revision arises out of an application under Section 482 of the Code of Criminal Procedure filed by the petitioners/accused persons praying for quashing of a proceeding being Chandannagar Police Station Case No.197 of 2021 dated 6th September, 2021

corresponding to G.R. S.C.(Spl) Case No.74 of 2021 under Sections 341/354B/376AB/506/34 of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

Indisputably police submitted charge-sheet against all the petitioners under Sections 341/354B/376AB/506/34 of the Indian Penal Code read with Section 4 and 6 of the POCSO Act.

Chandannagar Police Station Case No.197 of 2021 was initiated on 6th September, 2021 on the basis of an application under Section 156(3) of the Code of Criminal Procedure after being forwarded by the jurisdictional Magistrate to the concerned police station. It is ascertained from the petition of complaint that the opposite party No.2/de-facto complainant possesses a bitter relationship with her husband, petitioner No.1 herein. Previously the opposite party No.2 instituted a case under Section 498A and other penal provisions of the IPC against her husband and other matrimonial relations and by a judgment dated 10th December, 2018, the petitioner/accused persons were acquitted of the charges.

This is a subsequent FIR where it is alleged by the petitioner that on the fateful day, he went to the chamber of an Advocate at Chandannagar. His minor daughter was standing outside. At that time petitioners called her. She was given some chocolates and

thereafter,petitioner No.2 allegedly committed aggravated penetrative sexual act with the said minor child of the de-facto complainant.

If at all the prosecution case is believe, penal provisions under the POCSO Act may be attracted against the petitioner No.2. Practically there is no allegation of commission of any offence against other petitioners. Petitioner No.1 being the father and other petitioners being close relatives of the child, had every right to call the child to fond her.

Subsequently, the parties have filed a joint petition for compromise. As per the direction of this Court Investigating Officer recorded the statement of the de-facto complainant. She stated that the dispute has been amicably settled and she has no objection if the matter is compromised.

Under the factual matrix stated above, this Court is of the view which has also been concurred by the learned Public Prosecutor-in-Charge that neither petition of complaint nor charge-sheet disclosed commission of any offence by petitioner No.1, 3, 4 and 5.

In view of such circumstances, the above-mentioned criminal case be quashed against petitioner Nos.1,3,4 and 5. With regard to petitioner No.2, he is at liberty to place the relevant records, joint petition for compromise before the learned Special Judge under POCSO Act at the time of consideration of charge. Learned Special

Judge shall independently consider as to whether there are sufficient materials to frame charge against the petitioner No.2 on the basis of the above-mentioned documents and the case diary without being influenced in any way by the order passed by this Court this day.

In view of the above discussions, CRR No.525 of 2023 and the connection application are disposed of.

The report be kept with the record.

Since the police report is a part of this record, the learned Advocate for the petitioner is entitled to get certified copy of the same.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.7.
D/L.***