

Radhika Baheti & anr.
-vs-
State of West Bengal & ors.

Mr. Prosenjit Biswas
..for the petitioners
Mr. K. M. Hossain
Mr. Kushal Das
...for the State

This is an application under Article 226 of the Constitution of India praying for quashing of the criminal proceeding started against the petitioner no.2 in Islampur Police Station Case No. 199 dated 09.04.2023 under Sections 365, 342 and 506 of the Indian Penal Code.

Affidavit of service filed on behalf of the petitioners is taken on record.

Despite service, no one appears on behalf of the private respondents, although the State is represented.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are legally married couple. They are adults. However, the family members of the petitioner no.1 were not happy with the relationship between the two. This prompted them to register a false case being Islampur Police Station Case No. 199 of 2023. This Court

was pleased to grant anticipatory bail to the petitioner no.2. No prima facie case is made out as would be evident from a plain reading of the First Information Report. Any further continuation of the impugned proceeding shall be an abuse of the process of Court.

Learned counsel appearing on behalf of the State relies on the report and submits that after completion of investigation, a final report was submitted by the investigating agency seeking discharge of the accused and terming the same as mistake of fact. Accordingly, a final report being Islampur Police Station FRMF No. 224/23, dated 23.04.2023 was submitted.

It appears that the investigating agency has already submitted a final report seeking discharge of the accused and terming the same as mistake of fact.

In view of submission of final report, the writ petition is disposed of without any further order.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)