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C.R.R. 2899 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Pranab Kumar Ghosh @ Babai
Versus
The State of West Bengal and others

Mr. Tanmoy Chattopadhyay.
...for the petitioner.

The subject matter of challenge relates to Mothabari Police Station Case No.168 of 2023 dated June 3, 2023. The subject matter of the case relates to a lady/girl born on or about 27.05.2004 was missing and her father lodged a complaint with the Officer-in-Charge, Mothabari Police Station wherein he alleged that her daughter had been abducted/kidnapped against her will by the accused who has forcefully and regularly raped her. With such allegation, the FIR was registered for investigation.

Petitioner has approached this Court that he has married the lady/girl and produced the photostat copy of the certificate of marriage.

Powers under Section 482 of the Code of Criminal Procedure in order to terminate the proceedings do require that no offence has been made out so far as the allegation made in the letter of complaint or the FIR is concerned. If a father approaches the police station with an allegation, it is the primary duty of the Police Officer of the concerned police station to register the FIR. I do not find any reason why the Police Officer will not register the FIR in

this case. There may be facts which require adjudication. However, to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure when the FIR makes out a cognizable and non-bailable offence on the facts of the case would be exceeding the jurisdiction vested in the Court. Accordingly, no interference is made in the revisional application filed before this Court. Petitioner is granted liberty to exhaust any other remedy available in law.

Thus, CRR 2899 of 2023 is dismissed.

Pending connected application, if any, is consequently dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)