

08.02.2023
Item No. 11
Ct. No. 236
B.R.

CRR 2977 of 2010

In the matter of: Ashoke Chatterjee

Mr. Milon Mukherjee, Sr. Adv.
Mr. S. Sarkar.

... for the petitioner

Ms. Faria Hossain
Mr. Anand Keshri

... for the State

The victim lady as well as the de-facto complainant is present before the Court being accompanied by police personnel of Hirapur Police Station.

She set the criminal proceeding into motion by filing a written information before the Officer-in-charge of Hirapur Police Station alleging, *inter alia*, that she was duped by accused-petitioner Ashoke Chatterjee who allured her to establish sexual relationship with a promise to marry and ultimately retreated. The police on the basis of such information registered Hirapur Police Station Case No. 48 of 2008 dated 16th March, 2008 under Section 376/420 of the Indian Penal Code and took up investigation which culminated into submission of charge sheet. The accused Ashok Chatterjee has taken out the application under consideration for quashment of the proceeding arising out of Hirapur Police Station Case No. 48 of 2008. Since the victim has a right of hearing, notice was issued upon the victim lady who appeared before the Court to have her say and she has expressed her mind not to proceed with the case.

Ms. Faria Hossain learned Counsel representing the State fairly submits that the sterling witness of the case when has decided not to proceed further, the continuance of criminal proceeding would be a hollow procedural formality. That apart an adult lady when indulged in sexual relationship it would neither attract the provision of Section 376 nor 420 of the I.P.C. Expressing my agreement with Ms. Hossain, I consider it expedient to invoke the provision of Section 482 to quash the proceeding as prayed for to avert the abuse of the process of law.

Thus the criminal revision is disposed of.

Let a copy of this order along with lower Court record be sent down to the learned Trial Court for information and necessary compliance.

Urgent certified copy of this order, if applied for, should be made available to the parties upon compliance with the requisite formalities.

(Siddhartha Roy Chowdhury, J.)