

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

C.R.R 4161 of 2022

Amar Yonzon Tamang @ Amar Tamang
Vs.
The State of West Bengal & Anr.

For the Petitioner: Mr. Arindam Jana, Adv.,
Mr. Soumajit Chatterjee, Adv.

Heard on: 04 January, 2023.

Judgment on: 04 January, 2023.

BIBEK CHAUDHURI, J. : –

1. The petitioner has approached this Court under Section 482 of the Code of Criminal Procedure for quashing of the proceeding being New Town Police Station Case No.29 of 2022 dated 3rd February, 2022 under Section 306 of the IPC presently pending before the learned Principal Magistrate, Juvenile Justice Board, North 24 Parganas.

2. At the outset it is pertinent to mention that the petitioner is a juvenile in conflict with law. It is ascertained from the record that the petitioner and the deceased used to live together in a rented accommodation. The deceased was a young girl aged about 23 years. She committed suicide. On the basis of a written complaint submitted by her father the above mentioned police case was registered.

3. The learned Advocate for the petitioner draws my attention to the copies of the documents which the petitioner received in compliance of

Section 207 of the Cr.P.C. It is found from the said documents that the Investigating Officer recorded statement of landlord and the neighbours of the said rented accommodation where the petitioner and the deceased used to reside.

4. Learned Advocate for the petitioner submits that all the witnesses stated that the petitioner and the deceased were in live in relationship and used to reside under one Surajit Samanta in a flat on rent. However, the deceased girl used to reside alone for the last four months before her death.

5. Other witnesses also stated the same fact. Therefore, it is submitted by the learned Advocate for the petitioner that when the petitioner did not stay with the deceased there cannot be any abatement of committing offence.

6. During investigation, police seized a diary containing suicide note of the deceased. On careful perusal of the said suicide note it is prima facie ascertained that the deceased became immensely perplexed mentally when she found the petitioner, her boyfriend "a horrible person". It is a matter of trial as to whether indifference and annoyance of the petitioner towards the deceased amounted to abatement to commit suicide or not. At this stage, this Court is not in a position to quash the criminal proceeding placing reliance on **State of Kerala and Ors vs. S. Unnikrishnan Nair & Ors.** reported in **(2015) 9 SCC 639**.

7. However, at this stage after going through the suicide note I do not find any reason to quash the criminal proceeding against the petitioner.

8. Therefore, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)