

28.02.2023
Item No.42
Ct. No.236
S.A.

CRR 4080 of 2011

In the matter of : Kanchan Kumar Das & Anr.
...petitioners

Mr. Bidyut Kumar Ray
Ms. Manisha Sharma
...for the State

None appears on behalf of the petitioners. By filing this Revisional Application the petitioners are seeking the order for quashing the first information report being Khardah P.S. Case No.140 of 2011 corresponding to G.R. Case No. 911 of 2011 under Sections 376/420/120B of the Indian Penal Code.

Briefly stated the opposite party no.2 before this court took out a petition of complaint before the learned Additional Chief Judicial Magistrate, Barrackpore stating inter alia Sri Prabir De, neighbour of his maternal grandfather who resides at Kona Colony introduced accused no.1 Kanchan Kumar De as his nephew who is an employee of Central Reserve Police Force. The accused no.1 for his wrongful gain and with an ill motive and conspiracy, arranged a show of fake marriage between the opposite party no.2 and the petitioner no.1 and thus the opposite party no.2 was induced to have sexual intercourse with the petitioner no.1 who took away all of the gold ornaments and cash presented to her in the marriage.

The petition of complaint was forwarded to the Khardah Police Station under Section 156(3) of the Code of Criminal Procedure by learned Additional Chief Judicial Magistrate, Barrackpore and Khardah P.S. Case No.140 dated 5th March, 2011 was registered under Sections 376/420/120B of the IPC. The petitioners before the court are the accused persons in the criminal proceeding who want the aforesaid criminal proceeding to be quashed.

Considering the facts and circumstances, however, I am of the view that this is not a fit case to invoke the provision of Section 482 of Cr.P.C. and thereby to throttle the investigation.

Accordingly, the Criminal Revisional Application stands dismissed.

Interim order of stay, if any, stands vacated.

Let a copy of the order be sent down to learned ACJM for information and for taking necessary action.

(Siddhartha Roy Chowdhury, J.)