

D/L15
21.05.2024
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C.R.R.1963 of 2024

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

Husband of victim girl
Versus
State of West Bengal and another

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee
Mr. S.K. Mondal.
...for the petitioner.

Ms. Reshmi Khatun.
...for the opposite party no.2.

Mr. Debasish Roy, Ld.P.P.
Mr. Arijit Ganguly
Ms. Puspita Saha.
...for the State.

Learned advocate for the petitioner and the de facto
complainant is present.

Mr. Ganguly, learned advocate, appears on behalf of the
State.

Earlier, there was a direction by this Court in CRR 816 of
2024 dated 28.02.2024 when this Court directed the present
petitioner to approach the learned trial court and the learned trial
court was directed to frame charges first and thereafter record the
evidence of the victim. Liberty was granted to the petitioner to
approach this Court after evidence of the victim is over. Accordingly,
the petitioner has approached this Court.

I have considered the evidence and I find there is a

peculiar circumstance in this case as because the petitioner and the de facto complainant are married and are staying together. There is specific deposition that the lady has stated that at the relevant point of time, the petitioner happened to be her boy friend and the presently the petitioner happens to be her husband. She was socially pressured to lodge the present case and subsequently the course of law followed pursuant to which the case has been registered and charge-sheet submitted.

Having regard to the fact that the de facto complainant and the petitioner are married and leading a happy conjugal life which has been earlier reported by way of a statement and declaration and subsequently by way of deposition before the learned trial court, I am of the view that further continuance of the proceedings would hamper the happy conjugal life of the petitioner and the de facto complainant. Consequently, having regard to the larger interest of the society, I am of the view that further continuance of the proceedings may not be warranted in the peculiar facts and circumstances of the instant case.

Accordingly, all further proceedings of ST 02(03) 2024 arising out of Narendrapur Police Station Case No.1243 of 2022 under Sections 376/417/506 of the Indian Penal Code pending before the learned Additional District and Sessions Judge, 2nd Court, Baruipur, South 24 Parganas is hereby quashed.

Consequently, CRR 1963 of 2024 is allowed.

Pending connected applications, if any, are consequently disposed of.

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.)