

IN THE HIGH COURT AT CALCUTTA

(Criminal Revisional Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 2676 of 2022

Kunal Chatterjee & Ors.

Vs

The State of West Bengal & Anr.

For the Petitioners

: Mr. Sekhar Kr. Basu, Ld. Sr. Adv.
Mr. Diptangshu Basu,
Ms. Suchismita Dutta,
Ms. Pranidhi Singh.

For the State

: Mr. Bibaswan Bhattacharya.

**For the Opposite Party No. 2
De facto Complainant**

: Mr. Mukunda Lal Sarkar.

Hearing concluded on

: 09.04.2024

Judgment on

: 07.05.2024

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of the proceeding being POCSO Case No. 97 of 2022 arising out of Gazole Police Station No. 386 of 2022 dated 23.05.2022 under Sections 417/376/506/34 of the Indian Penal Code, 1860, with added Section 6 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the Learned Judge, Special Court, Additional District Judge, 2nd Court, Malda.
2. The Petitioner No.2 is the father of the Petitioner No.1 and husband of the Petitioner No.3, and the brother of the Petitioner No. 4 respectively. The Petitioner No. 1 is aged about 23 years, whereas the Petitioner No.2 and 3 are aged about 52 years and 47 years respectively and Petitioner No.4 is aged about 49 years.
3. **The allegation leveled in the written complaint are to the effect that:-**

That at the time of lodging the instant complaint the Opposite Party No.2 was aged above 18 years. At the time when she was about 15 years, a love relationship developed by and between her and one Kunal Chatterjee (hereinafter referred as the Petitioner No.1). The petitioner No.1 on various occasions on false pretext of marriage established sexual relation with the opposite party No. 2 at her house as well as in hotels. In the past one month, the Petitioner No.1 on various pretexts started avoiding the marriage proposal of the Opposite Party No.2. On 12.05.2022 at around 9 a.m., a meeting was held at the residence of one Sujit Das situated at Gazole where the

parents of the Opposite Party No.2 and all the petitioners were present to discuss the above mentioned issue. It was alleged that the petitioners did not pay heed to their words and all the petitioners being allied together, pushed the Opposite Party No.2 and her family members and drove them out of the house. The Petitioner No.1 in the presence of everyone threatened the Opposite Party No.2 and her family members that if any member of her family diarizes any complaint or informs the police, then he shall upload all her obscene photographs in the social media and shall make it viral. He also threatened them of dire consequences in case they went against his wishes. Hence, the said complaint.

4. Supplementary affidavit has been filed by the petitioners. From the Case Diary it appears that the victim was 15 years old at the time of incident. She allegedly had a physical relationship with the accused on allegedly being promised marriage.
5. The present case is under Sections 417/376/506/34 of IPC added Section 6 of the POCSO Act, 2012.
6. Subsequently there was a meeting between the two families, but there was a disagreement.
7. From the materials on record and the Case Diary, there appears to be a prima facie case, only against the Petitioner No.1, Kunal Chatterjee, in respect of the offences alleged, but not against the Petitioners No. 2 to 4.
8. Accordingly the prayer of the Petitioner No.1 Kunal Chatterjee stands rejected.
9. There being no prima facie materials against the petitioner no. 2, 3 & 4, the case is liable to be quashed against them.

- 10. CRR 2676 of 2022 is accordingly disposed of.**
- 11.** The proceedings being POCSO Case No. 97 of 2022 arising out of Gazole Police Station No. 386 of 2022 dated 23.05.2022 under Sections 417/376/506/34 of the Indian Penal Code, 1860, with added Section 6 of the Protection of Children from Sexual Offences Act, 2012 presently pending before the Learned Judge, Special Court, Additional District Judge, 2nd Court, Malda, **stands quashed in respect of the petitioners no. 2, 3 & 4 namely Koushik Chatterjee, Ratna Chatterjee and Manik Chatterjee.**
- 12. The trial shall proceed in respect of the petitioner no.1 Kunal Chatterjee in accordance with law.**
- 13.** All connected applications, if any, stand disposed of.
- 14.** Interim order, if any, stands vacated.
- 15.** Copy of this judgment be sent to the learned Trial Court for necessary compliance.
- 16.** Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)