

25.09.2024
Item No. 1
SG

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. No. 3293 of 2024

In the matter of : Rakesh Sarkar

.....Petitioner

Mr. Rameshwar Sinha
Mr. Debanjana Sen
Ms. Priyanka Bhowmik

..... for the petitioner

1. Learned Counsel for the petitioner has prayed for quashing of proceeding in G.R. Case No.1072 of 2024 corresponding to Habra P.S. Case No. 176 of 2024. It is contended on behalf of the petitioner opposite party no. 2-victim is an adult lady who has a 16-year old son. Both the parties entered into a romantic relationship and the victim had taken gold ornaments from the petitioner on credit. Out of grudge the present criminal case was registered.
2. I have considered the materials on record including the allegations in the FIR. It is alleged in the FIR that the petitioner was teasing the opposite party no. 2-victim for a period of time. He had hacked her mobile phone and posted her pictures on social networking site without her permission. He made false promise of marriage and cohabited with her. Thereafter, on 11.02.2024 and 14.02.2024 he circulated her pictures with obscene comments and blackmailed her. Uncontroverted

allegations disclose various acts of threat and blackmail which compelled the opposite party no.2 to cohabit with him. Whether consent of the victim was free or procured through unlawful activities is question of fact which requires to be adjudicated on evidence.

3. Under such circumstances, it cannot be said that the uncontroverted allegations do not disclose the ingredients of the alleged offences of cheating and rape. Hence, I am not inclined to interfere with the proceeding at this stage. It is open to the petitioner to agitate the issues canvassed herein at the appropriate stage of the proceeding in accordance with law, if so advised. Observations made in this order shall not have any binding impact on the subsequent stages of the proceeding.
4. Accordingly, CRR 3293 of 2024 is disposed of.

(Joymalya Bagchi, J.)