

01.10.2020

da.li

35

jb.

C.R. R. 1384 of 2020

+

CRAN 1 of 2020

(Via video conference)

Re:- An application under Section 482 read with Section
397 of the Code of Criminal Procedure;
And

In Re: Babita Simon & Anr.

... Petitioners

Mr. Sandipan Ganguly

Mr. Rajarshi Basu

.... For the petitioners

Mr. Indrajeet Dey

.... For the Opposite Party No. 2

The revisional application is filed for quashing of an
investigational proceedings under Sections
448/323/506/34 of the Indian Penal Code.

Learned senior counsel appearing on behalf of the
petitioners submits as follows. The petitioners are the
employees of International Justice Mission (IJM, for
short) being a non-governmental organization which
works in tandem with the Central Government and
State Governments to rescue, rehabilitate and protect
the victims including children from violence irrespective
of their gender, community, caste, race and origin.

Pursuant to a complaint by one Sutrishna Basu, the IJM was directed to prepare a Home Study report. Accordingly, the present petitioners went to conduct home study and they were allowed by the inmates of the home to make such study in respect of the child on 6th March, 2019, which would be evident from a copy of the picture of the child and her grant mother annexed to the petition. Thereafter another complaint was made to the police by the mother of the child pursuant to which the CWC directed the IJM to conduct a social investigation in this regard. The same was accordingly conducted by the petitioners on 2nd April, 2019. Much thereafter, to the utter surprise of the petitioners, the grand father of the said child lodged a first information report on 14th February, 2020 alleging that on 6th March, 2019 the petitioners had forcefully entered into their home and tried to snatch government identity cards. No *prima facie* case is made out against the present petitioners as would be evident from the plain reading of the first information report. The delay in lodging of the complaint of about a year has not been explained. The present proceeding has been maliciously instituted only to harass the petitioners who were doing their duties as directed by the CWC.

Learned counsel appearing on behalf of the *de facto* complainant files a vakalatnama, which is taken on record. He submits that in a connected application, the present *de facto* complainant, Sutrishna Basu had averred that her father had previously taken her signatures on blank papers. It is doubtful whether complaints that had prompted the CWC to act were actually initiated by the said Sutrishna Basu. The defacto complainant and the said Sutrishna Basu had filed a writ petition praying for proper investigation of the case.

Let the matter appear for hearing after two weeks.

The State is directed to produce the case diary on the next date of hearing.

The impugned proceeding shall remain stayed for a period till one week after the ensuing Puja vacation.

The parties shall be at liberty to pray for extension or modification or vacating of the interim order upon notice to the other sides.

CRAN 1 of 2020 is disposed of.

Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)