

Item 19.08.
No. 2025
24

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Ct 32

CRR 975 of 2024

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Ratneshwar Narayan Singh
Vs.
The State of West Bengal & Ors.

Mr. Pawan Kumar Gupta,
Mr. Kaushik Chowdhury,
Ms. Sofia Nesar,
Mr. Santanu Sett.
Ms. Soumoyadipa Kanu. ... for the petitioner.

Mr. Rana Mukherjee,
Mr. Ratul Ghosh. ... for the State.

1. Both the learned counsel appearing on behalf of the petitioner as well as State are present.
2. Liberty is given to the petitioner to correct the cause title.
3. The instant revisional application has been filed with a prayer for quashing of the proceeding in connection with G.R. Case No. 18 of 2023 corresponding to Narendrapur Police Station Case No. 1387 of 2022 dated 31.12.2022 under Sections 363/365 of the Indian Penal code presently pending before the Learned Judicial Magistrate, Baruipur, South 24 Parganas.
4. Initially law was put into motion by de facto complainant alleging, *inter alia*, that on 11.12.2022 his daughter/victim of this case left his house by one Uber Vehicle but subsequently she was found not traceable, as she did not go to her in-laws house. He lodged a

missing diary being No. 924 dated 12.12.2022. On 17.12.2022 at about 11.30 P.M., he received a phone call from his daughter informing about her well being at the place where she was in and assured her father that she will come back but shall not reside with her husband. On receipt of that complaint, Narendrapur Police Station case No. 1387 of 2022 dated 31.12.2023 under Section 363/365 of the Indian Penal Code was started.

5. During investigation, few statements of witnesses were recorded under Section 161 of the Code of Criminal Procedure as well as statement of victim lady under Section 164 of the Code of Criminal Procedure.
6. Section 363 is the provision for punishment for an offence under Sections 359 to 361 of the Indian Penal Code and the allegation made in the complaint attracts neither the offence under Section 360 of the Indian Penal Code nor Section 361 of I.P.C.
7. The written complaint did not disclose any offence of kidnapping of any minor girl either from India or from any lawful guardian.
8. On careful perusal of the case diary, particularly the statement recorded under Section 161 and 164 of the Code of Criminal Procedure, I do not find any allegation of wrongful confinement in any secret place by any person.
9. From that point of view, I am of the humble opinion, the allegation made either in the complaint or evidence

collected during investigation did not disclose any offence under Section 365 of the Indian Penal Code.

10. In the view of the aforesaid, even if the allegation made in the First Information Report, is taken at its face value and accepted in its entirety, still it does not prima facie constitute any offence or make out the case against the accused.
11. Therefore, keeping an eye to the parameters laid down by the Hon'ble Apex Court, I find no other option but to quash the proceeding.
12. As a sequel, the proceeding in connection with G.R. Case No. 18 of 2023 corresponding to Narendrapur Police Station Case No. 1387 of 2022 dated 31.12.2022 under Sections 363/365 of the Indian Penal Code stands quashed.
13. With the aforesaid observation, the revisional application along with connected application stands disposed of.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)