

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 1397 of 2025

XXX

Vs.

State of West Bengal & Anr.

For the petitioner	: Mr. Bibek Chatterjee Ms. Tiliya Kumari Sharma Ms. Susmita Saha
For the O.P. no. 2	: Ms. Paramita Sahu
For the State	: Mr. Suman De Mr. Debanshu Ghorai
Heard on	: 14.07.2025
Judgment on	: 14.07.2025

Jay Sengupta, J.:- This is an application for quashing of a proceeding being Special Case no. 130 of 2023 pending before the Judge, Special Court (POCSO Act) cum Additional Sessions Judge, Baruipur, South 24 Parganas arising out of Sonarpur Police Station Case no. 891 of 2023 dated 26.08.2023 where a charge-sheet was submitted under Section 9 of Prohibition of Child Marriage Act.

Report filed on behalf of the State is taken on record. It appears from the report that the Marriage Registration Certificate relied upon on behalf of the private party is a genuine one.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner got married to the opposite party although a police case was started *suo motu* alleging that the age of the opposite party/wife was below 18 years at the time of such marriage and child birth. Subsequently, a compromise and settlement has been arrived at between the private parties. Reliance is placed on a decision of the Hon'ble Apex Court in ***Mahesh Mukund Patel versus State of U.P & Ors.*** passed in Criminal Appeal No. 001005 of 2025.

Learned counsel appearing on behalf of the victim/opposite party no. 2 submits that the petitioner and the private opposite party had a love affair and they got married when they became adult. They have a child and they are living a happy married life together. In view of the same, the criminal proceeding may be quashed.

Learned counsel appearing for the State opposes the prayer relies on the case diary and submits as follows. It appears from the statement of the victim recorded before the Magistrate that she had admitted to have eloped with the petitioner voluntarily. She also stated that she got married to the petitioner and a child was born.

I heard the learned counsels for the parties and perused the petition, the report filed by the State and the case diary.

Considering the exonerative statement of the victim made before the learned Magistrate and the fact that the couple is living happily together along with their child, although at the time of elopement, the victim girl might have been technically a little less than of marriageable age, it would be futile to continue with the criminal proceeding.

Accordingly, the criminal proceedings are quashed and set aside.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)