

HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

CRR 2586 of 2025
CRAN 1 of 2025

XXXX and others

versus

The State of West Bengal and another

For the Petitioners

Mr. Soupal Chatterjee
Mr. Anupam Das

For the State

Mr. Debasish Roy, Id. PP
Ms. Shaila Afrin
Mr. S.S. Saha

For the De Facto Complainant

Ms. Mekhala Kar
Mr. Sattik Rout

Last heard on

29.08.2025

Judgment on

29.08.2025

JAY SENGUPTA, J:

This is an application for quashing of a proceeding of Special Case No.33 of 2023 pending before the learned Judge, Special Court (under POCSO Act), Chanchal, Malda arising out of Pukhuria PS Case No.139 of 2023 dated 21.04.2023 under

Sections 8/12 and 17 of the POCSO Act read with Section 363 of the IPC.

Learned counsel for the petitioners submits that during pendency of the proceeding, a settlement and compromise has been arrived at between the private parties. In fact, at the date of occurrence the marriage could not take place because the victim was minor. Soon after attaining majority the petitioner No.1 got married to the alleged victim. They are staying together and they have a child to take care of. Reliance is placed on a decision of the Hon'ble Apex Court in *Mahesh Mukund Patel vs. State of U.P.*, reported at 2025 SCC Online 614.

Learned counsel for the de facto complainant submits that the de facto complainant is the mother of the alleged victim. Owing to certain disputes, the police case was registered. However, at present all disputes have been settled. The petitioner No.1 and the alleged victim got married and are living happily together.

Learned Public Prosecutor representing the State relies on the case diary and further report, which is taken on record and submits that further statements of the de facto complainant/mother of the alleged victim and the victim have been recorded by the police. According to them, a marriage took place between the petitioner No.1 and the alleged victim and the

two are living happily together at their residence. The disputes have been settled between the parties.

Although the allegations apparently are quite serious, a deeper scan of the facts reveals that soon after the alleged victim attained majority the petitioner No.1 and the alleged victim got married. In fact, at paragraph 5 of the joint compromise application, the applicants have stated that there was a love affair between the alleged victim and the petitioner No.1. Now, the two are staying together after getting married. No fruitful purpose will be served if the instant proceeding is continued. Reference in this regard may be made in the decision of *Mahesh Mukund Patel (supra)*.

In view of the above, I quash the impugned proceeding on the ground of settlement.

With these directions and observations, the revisional application along with application is disposed of.

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

(Jay Sengupta, J.)

