

CRR 2337 of 2024

**Muktarul Hoque @ Muktar
Vs.
The State of West Bengal & Anr.**

Mr. Intiaz Ahmed
Ms. Ghazala Firdaus
Mr. Mofakkerul Islam
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
Ms. Zannat Haque

... ... for the petitioner

Mr. Arijit Ganguly
Mr. Tirupati Mukherjee

... ... for the State

1. In spite of service of notice through the State, the de facto complainant does not appear. The report filed by the State be kept with the record.
2. The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It appears from the record that the complainant, the victim lady who was aged about 22 years at the relevant point of time had entered into a consensual relationship with the petitioner of this revisional application for about three years.
3. The learned counsel for the petitioner has also drawn the attention of this Court to the statement of the victim lady recorded under Section 164 of the Cr.P.C. and also the medical document showing that she refused to undergo any medical examination in support of her

allegation that the accused/petitioner built up a sexual relationship with her.

4. The learned counsel has relied upon several case laws in support of his contention that this case is a fit case where the Hon'ble Court should exercise its power under Section 482 Cr.P.C. He has relied upon the decisions reported in 2023 SCC Online SC 89 {Naim Ahamed –vs.- State (NCT of Delhi)}, 2025 INSC 782 (Amol Bhagwan Nehul –vs.- The State of Maharashtra & Anr.) and 2025 INSC 331 (The State of Himachal Pradesh –vs.- Rajesh Kumar @ Munnu).
5. The leaned counsel for the State has vehemently opposed the prayer for quashing of the relevant proceedings which is being conducted at the learned Trial Court. He has also pointed out that in the F.I.R., the victim lady has categorically mentioned how the accused built up sexual relationship with her. He has also pointed out that the date for examining the victim lady has been fixed on 19.06.2024 and 20.06.2024. However, the learned counsel for the State has fairly admitted that the victim lady had refused to undergo medical test and further in her statement recorded under Section 164 Cr.P.C. she did not mention about the sexual relationship between herself and the present petitioner.
6. I have gone through the materials on record. It appears that the victim lady was aged about 22 years at the

relevant point of time and she has admitted before the learned Judicial Magistrate at the time of recording her statement that she had a love relation with the present petitioner for about three years. She has categorically stated that the petitioner is promising to marry her for last three years but he refuses to do so. She wants to marry him. However, she has also mentioned that the mother of the petitioner had abused her. Apart from the above statement she did not support her F.I.R. at the time of recording her statement under Section 164 Cr.P.C. It is also relevant to mention that in order to prove the charge of the case medical examination of the victim is of enormous importance. However, so far as the allegation of rape is concerned or sexual relationship is concerned sometimes, the evidence or statement of the victim lady acquires more importance than such medical report. However, in this case the victim lady not only refused to undergo medical examination by a medical personnel but she also did not support her basic allegation in the F.I.R. during recording of her statement before the learned Judicial Magistrate. In fact, she wanted to marry the petitioner. She has also admitted that there was an amorous relationship between herself and the present petitioner.

7. However, in view of the above including the statement of the victim lady who was aged about 22 years at the relevant time, I find that allowing to continue the

relevant proceeding before the learned Trial Court would be an abuse of process of law. Accordingly, I quash the entire proceeding of the Pukhuria Police Station Case No.182 of 2022 dated 29.05.2022 under Sections 407/376 of the Indian Penal Code.

8. With the above direction, CRR 2337 of 2024 is disposed of.
9. Let a copy of this order be sent to the learned Trial Court immediately.
10. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Apurba Sinha Ray, J.)