

29.10.2025
Court.No.09
Abhirup

C.R.R. 3002 of 2025
XXX
-Versus-
State of West Bengal & Anr.

Mr. Navanil Dey, Adv
Mr. Srinjan Ghosh

...for the petitioners.

Ms. Anasuya Sinha, (Ld. A.P.P.)
Ms. Afreen Begum, Adv.

...for the State.

Ms. Monami Mukherjee.

...for the opposite party No.2.

The petitioner in the instant application is an accused in Golabari P.S. Case No. 110 of 2023 dated April 20, 2023 under Sections 417/376 of the Indian Penal Code and presently pending for trial before Learned Additional Sessions Judge 5th Court, Howrah being S.T. No-250 of 2024. The petitioner in the instant application has sought for quashing the proceedings being Golabari. P.S. Case No. 110 of 2023 dated April 20 2023 wherein charge sheet has been submitted vide charge sheet No. 255 of 2023, dated August 20, 2023.

The case of the prosecution in brief is that on April 20, 2023 the opposite party no-2 lodged a FIR alleging inter alia that four years prior to the lodging of the FIR the opposite party no.2 came to know, the petitioner and subsequently they developed a

relationship. Thereafter it has been alleged that the petitioner used to threaten the opposite party no. 2 with intent to cohabit with her. It was further alleged that the petitioner cohabited with the opposite party no-2 on the false pretext of marriage. Thereafter when the opposite party no. 2 conceived the petitioner told her to undergo abortion. Subsequently the present case was initiated. On the institution of the case investigation was taken up and charge sheet was submitted on August 20, 2023 under Sections 417/376/34 of Indian Penal Code against the petitioner and another co-accused ie. mother of the petitioner.

It is the contention of the petitioner that on September 18, 2023, marriage was solemnized between the petitioner and the opposite party no-2 and they are presently residing as husband and wife. Pursuant to the notice being issued upon opposite party no-1 on 03-09-2025 to produce the case diary on 16th September 2025, the case diary was produced. The officer in charge Golabari Police Station further in terms of Order dated 03-09-2025 submitted a report that the victim is married to the accused/petitioner and they are residing together as husband and wife. She has no objection if the accused is discharged from this case. The Officer in charge of Golabari Police Station has also enclosed letter issued by the victim to

The officer in charge that the victim is married to the accused person/petitioner and is residing as husband and wife and she has no objection if the accused is discharged or acquitted from the said case.

The statement in this regard is also recorded by the police Authority.

Heard Learned Advocate for the Petitioner and Learned Advocate for the opposite party no-1 State of West Bengal and Learned Advocate for the opposite party no-2 the defecto complaint/Victim Perused the materials in the case diary. Learned Advocate for the opposite party no-2 submits that the petitioner and the opposite party no-2 are married and residing together as husband and wife, and the petitioner may be discharged from this case.

Upon hearing the Learned Advocates and considering the facts of the case from the materials in the case diary this Court is of the view that the materials collected against the petitioner is not sufficient to sustain conviction of the petitioner/accused, under section 376 of the Indian penal Code. However with regard to charge under Section 417 of the Indian Penal Code there are some materials regarding false promise to marry, but the fact that offence under Section 417 of the Indian Penal Code is a compoundable Offence and the fact that

opposite party no-2 is married with the petitioner and has no objection to the petitioner being discharged in the interest of justice the case against the petitioner should be quashed.

Hence this application under Section 482 of the Code of Criminal Procedure stands allowed. Proceedings against the petitioner in connection with Golabari Police Station case No. 110 of 2023 dated April 20 2023 now pending before Learned Additional Sessions Judge 5th Court Howrah being S.T. No. 250 of 2024, stands quashed. The accused/petitioner stands discharged from the said case.

As the co-accused is already discharged from the case no further Order is required with regard to the said co-accused person.

This application stands disposed.

(Biswaroop Chowdhury,J.)