

July 8, 2025  
Ap (73)

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction**

**CRR 173 of 2025**

Arvind Kumar Chaudhary & Anr.  
Vs.  
State of West Bengal & Anr.

Adv. Sanjay Mazoomdar  
Adv. Sukanya Adhikary

...for the petitioner.

Adv. Arijit Ghosh

.... for the opposite party no. 2.

Adv. Nilay Chakraborty, Ld. APP  
Adv. Kallol Nag

... for the State.

The petitioners who are the parents of the principal accused seek quashing of the proceeding in connection with Bagdogra P.S. Case no. 129 of 2024 dated 04<sup>th</sup> April, 2024.

Learned counsel for the petitioners submits that it is alleged that the principal accused who is the son of the petitioners entered into physical relationship with the victim on a false assurance of marriage. He has subsequently married to another lady. As a result, the victim committed suicide.

Learned counsels for the State/defacto complainant opposes the prayer.

Learned counsel for the defacto complainant submits that the petitioners are equally involved in the offence and are responsible for the suicide of the victim. Learned counsel has placed reliance in the authority in Dax Aben v/s. State of Gujarat and Others reported in (2022) 16 Supreme Court Cases 117 in support of his contention.

I shall commence my observation with the authority relied upon by the defacto complainant. In the said judgment, the Hon'ble Supreme Court has held that in an offence against the society, even when there is a settlement between the offender and the victim, the same shall not prevail since it is in the interest of the society that offender needs to be punished. The Hon'ble Supreme Court has categorized an offence under Section 306 of the Indian Penal Code as a crime against society and not against an individual alone. The authority deals with a situation where such a case is sought to be mutually settled. The *ratio decidendi* of the judgment can be distinguished from the fact situation of the present case where no such proposal is found on record.

On merits, the father of the victim lodged FIR wherein the main thrust of allegation is against one Abhishek Jaiswal, son of the petitioners. It is alleged that Abhishek Jaiswal was involved in a love relationship with the victim on a false promise to marry her and subsequently failed to keep his promise which led to commission of suicide by the victim.

Charge sheet has been submitted under Section 306 of the Indian Penal Code.

In course of investigation, statements of witnesses have been recorded under Section 161 of the Code of Criminal Procedure which point at the principal accused as the perpetrator of the offence. No evidence has transpired during investigation which even remotely suggests involvement of the petitioners in the alleged offence. The mere fact that the petitioners are the parents of the principal accused

can under no stretch of imagination bring them under the purview of an offence under Section 306 of the Code in absence of any evidence on record. No evidence having transpired against them during investigation, this Court is of the view that the petitioners should not be made to face the ordeal of trial without being implicated in the alleged offence. Allowing the proceeding to continue against the petitioners shall amount to abuse of the process of the Court.

In the said backdrop, the revisional application is allowed.

The FIR and charge sheet pertaining to Bagdogra P.S. Case no. 129 of 2024 dated 04<sup>th</sup> April, 2024 pending before the learned Additional Chief Judicial Magistrate, Siliguri be quashed in so far as the petitioners are concerned.

The petitioners be set at liberty at once and be discharged from their bail bonds.

It is made clear that the proceeding shall continue against the other accused.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

**(Suvra Ghosh, J.)**