

12.8.2025
SL. 15
Court No. 3
Sourav

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

C.R.R. 401 of 2025

In re: An application Under Section 528 of the Bharatiya
Nagrik Suraksha Sanhita, 2023.

And

In the matter of: **Lahabul Alam & Ors.**

... petitioners.

Mr. Dr. Arjun Chowdhury
Ms. Sunayana Parveen

... for the petitioners.

Mr. Abhijit Sarkar

... for the State.

1. This is an application under Section 528 of BNSS at the instance of the petitioners who have been charge-sheeted under Sections 363/365 IPC read with Sections 6/17 of the POCSO Act, 2012.
2. Mr. Chowdhury, learned advocate appearing on behalf of the petitioners at the very outset draws attention of this Court to the written complaint as filed in connection with the instant case. Attention of this Court is also drawn to Page No. 31 of the instant petition, being a copy of the letter dated 09.04.2025 as written by the I.O. in connection with the relevant P.S. case addressed to the learned Additional Public Prosecutor, Jalpaiguri Circuit Bench, High Court at Calcutta.
3. It is submitted by Mr. Chowdhury that from the said letter dated 09.04.2025, it would reveal that the principal

accused and the victim girl jointly went to the marriage registrar and due to minor age of the alleged victim, the marriage registrar, being the 'Kazi' refused to entertain them.

4. It is submitted by Mr. Chowdhury that from the conduct as reveals from the letter dated 09.04.2025, there cannot be any hesitation to hold that the allegations as made out in the FIR is not true in view of the fact that the wordings of the said letter clearly indicate a romantic relationship between the principal accused and the alleged victim girl.
5. It is further submitted by Mr. Chowdhury that for the sake of argument, even if, it is accepted that there occurred a cohabitation in between the principal accused and the alleged victim girl, by no stretch of imagination any act of criminality can be attributed to the principal accused and on such score, the entire proceeding in connection with Mathabhanga P.S. Case No. 274 of 2023 dated 31.05.2023 may be quashed.
6. On careful perusal of the entire materials as placed before this Court on behalf of the petitioners, it reveals to this Court that bare perusal of the written complaint as lodged in connection with the aforementioned P.S. case *prima facie* discloses occurrence of cognizable offence under Sections 363/365 IPC read with Sections 6/17 POCSO Act.
7. This Court has occasion to go through the certified copy of the charge-sheet as has been annexed in the instant

petition wherefrom it reveals that the I.O. on completion of investigation submitted final report against the accused persons under the aforementioned sections considering the materials collected by the I.O. in course of investigation.

8. In considered view of this Court, the materials as placed before this Court clearly indicate presence of *prima facie* materials to attract the offences with whom the present petitioners have been charged.
9. In view of such, this Court is very much reluctant to invoke its inherent power for quashing of the proceeding as prayed for on behalf of the petitioners.
10. With the aforementioned observations, the instant revisional application being **CRR 401 of 2025** is dismissed at the stage of its admission.

(Partha Sarathi Sen, J.)