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C.R.R.1062 of 2025
With
CRAN 2 of 2026

Jaydeb Kundu
Versus
State of West Bengal & Anr.

Mr. Sourav Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal
Mr. Debarghyo Sil.
…for the petitioner.

Ms. Rajashree Venket Kundalia
Mr. Suman Chakraborty.
…for the State.

Memo of Evidence filed on behalf of the State is taken on record.

The petitioner has prayed for quashment of the proceeding being G.R. Case No.1430 of 2019 under Sections 376/417/420 of the Indian Penal Code presently pending before the learned Additional District and Sessions Judge, Fast Track Court, Baruipur, South 24 Parganas.

On 5th March, 2019, the opposite party no.2 lodged a complaint inter alia alleging that the accused person has been making physical relationship with the complainant for last two months with a promise to marry her and also took an amount of Rs.3,50,000/- from the victim lady for construction of his house. Even after completion of the house, the accused person assured the victim lady to marry. On 07.02.2019 at about 8.00 p.m. with the

assurance of keeping the promise of marrying the victim lady, the accused person committed physical relationship forcefully at her house which gave rise to the instant proceeding.

Being aggrieved by the aforesaid proceeding, learned counsel appearing for the petitioner submits that the present petitioner/accused had filed a complaint under Section 156(3) Cr.P.C. against the opposite party/victim before the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas on 24.01.2019 under Sections 384/506/120B of the Indian Penal Code alleging that the opposite party no.2 herein and her associates are trying to extort money from the petitioner. As a counterblast opposite party initiated instant FIR and after making perfunctory investigation, police has submitted charge-sheet against the petitioner under Sections 376/417/420 of the Indian Penal Code. The petitioner herein filed an application under Section 227 of the Code of Criminal Procedure seeking his discharge but the trial court by the order dated 05.08.2024 has been pleased to reject the said application filed by the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the opposite party no.2 herein along with her daughter runs a racket of extortion from vulnerable persons using social media platform and when the person is unable to give the demanded amount of money, they are in the habit of filing criminal cases against such persons. He further submits that on 02.02.2022 as well 03.02.2022 the local newspapers published that the opposite party no.2 and her daughter are habitual offenders and

extort money from different persons by filing false criminal cases.

He further submits that the allegation of promise to marry is out an out false and fabricated and a bare perusal of the FIR and the charge-sheet would make it evident that no prima facie case has been made out against the petitioner. The instant case has been filed with a sole intention to extort money from the petitioner. Therefore, further continuance of the instant proceeding would be mere abuse of the process of the court.

Learned counsel appearing on behalf of the State submits that the allegation of running of racket by the opposite no.2 or the allegation of making attempt to extort money by the opposite party no.2 and her daughter have not been found during investigation. However, she submits that during investigation, police has collected a letter dated 03.04.2019 from the employer of the petitioner which discloses that the petitioner was in his office at Sealdah from 10.15 hours till 20.00 hours on 07.02.2019. She, therefore, leaves the prayer made by the petitioner to the discretion of the Court.

I have considered the submission made on behalf of both the parties and have also gone through the materials collected during investigation. It appears that the police has recorded the statements of the alleged victim and her daughter during the course of investigation under Section 161 Cr.P.C. The statements made therein are evasive in nature and do not contain any particular date, time or place of occurrence. It also appears that the allegation of extorting money from the alleged victim has also not been substantiated during investigation. The medical examination report

also does not corroborate the allegation levelled in the complaint. In the supplementary affidavit, the petitioner averred that the opposite party no.2 also filed similar case against one Naskar being Sonarpur P.S. Case No.212 of 2018 dated 11.02.2018 under Sections 341/354A/354B/376/511 of the Indian Penal Code.

Having considered the overall facts and circumstances of the case and the materials collected during investigation, it appears to me that the statements recorded during investigation made by the alleged victim and her daughter has neither been corroborated nor has been substantiates during investigation. Moreover the prosecution document as collected during investigation makes the petitioner's presence at the date, time and place of alleged occurrence improbable.

In the case of ***State of Haryana Vs. Bhajan Lal*** reported in **1992 Supp(1) SCC 335** Apex Court laid down one of the parameters that where the allegations made in the FUR are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just conclusion that there is sufficient ground for proceeding against the accused, the proceeding is liable to be quashed

I find aforesaid parameter clearly attracts in the present case. Furthermore from the materials available in the record, and case diary it appears that there is hardly any chance of conviction of the present petitioner even if a facade trial is allowed to continue. Therefore, I find that further continuance of the impugned proceeding would be mere abuse of the process of the court.

In such view of the matter, CRR 1062 of 2025 is allowed.

Connected application being CRAN 2 of 2026 is also disposed of.

The impugned proceeding being G.R. Case No.1430 of 2019 presently pending before the learned Additional District and Sessions Judge, Fast Track Court, Baruipur, South 24 Parganas is hereby quashed.

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

(Dr. Ajoy Kumar Mukherjee, J.)