

11.06.2026

Serial no. 21

[Srimanta]

Ct. No. - 29

CRR/2050/2026

In re : An Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023

-And-

In the matter of : RAHUL CHOUDHARY

... ... Petitioner

*Mr. Sabir Ahmed,
Mr. Shraman Sarkar,
Mr. Quazi Ezaz Ahmed, Advocates*

... ... For the Petitioner.

*Mr. Souvik Mitra,
Mr. Swagata Biswas, Advocates*

... ...For the Respondent.

1. Report submitted by the State along with the statement of the victim recorded by the Investigating Agency are taken on record.
2. In this application the petitioner has prayed for quashment of the proceeding being G.R. Case No. 2338/2026 under Sections 69/74/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 presently pending before the Court of the learned Additional Chief Judicial Magistrate at Barrackpore, North 24-Parganas.
3. Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that it has not been demonstrated from the materials collected during investigation that there was any dishonest intention at the

inception of the relationship or that any alleged promise of marriage was made with the intent to deceive the de facto complainant. In fact, the materials disclose a long standing consensual relationship between the two adults which continued over a considerable period of time and involved voluntarily participation of both the parties and, therefore, it cannot be criminalized merely because the relationship did not culminate in a marriage.

4. However, during pendency of the investigation the parties have amicably settled their dispute and to that extent they have filed one application being CRAN/1/2026. By an earlier order a report was called for from the Investigating Agency and report submitted by State through Public Prosecutor along with a recorded statement of the victim discloses that the de facto complainant does not want to proceed with the criminal proceeding. In view of the above, learned Public Prosecutor submits that when the two adult persons have amicably settled their disputes further continuance of the instant proceeding would be mere abuse of the process of the Court.
5. Having considered the overall facts and circumstances of the case and that the de facto complainant has decided not to support the imputations alleged in the complaint as reflected in her statement recorded on 10.06.2026, I find that even if proceeding is allowed to continue merely on

the ground that the offence is not compoundable, it will not yield any fruitful result. Therefore, further continuance of the present proceeding would be mere abuse of the process of the Court.

6. In view of the above, CRR/2050/2026 is allowed.
7. The impugned proceeding being G.R. Case No. 2338/2026 presently pending before the learned Additional Chief Judicial Magistrate at Barrackpore, North 24-Parganas is hereby quashed.
8. Urgent Photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Dr. Ajoy Kumar Mukherjee, J.)