

22.05.2026

Sl. No.23.

D/L.

Mithun.

Ct.No.29.

CRR/1204/2026

Rahul Mondal

Vs.

State of West Bengal & Anr.

Mr. Pritam Roy

...for the petitioner

Being aggrieved by and dissatisfied with the continuation of the proceeding being G.R. Case No.3613 of 2025 presently pending before learned Chief Judicial Magistrate, Barasat, the instant application has been preferred by the petitioner seeking quashment of the said proceeding.

Learned Counsel for the petitioner submits that Section 69 of BNS is applicable to the cases where the sexual intercourse have been made by deceitful means but from the contains of the FIR no averment or material allegations are found to suggest that the petitioner harboured any fraudulent or dishonest intention to deceit the opposite party no.2 from the very inception.

Petitioner in this context also relied upon the judgment of ***Biswajyoti Chatterjee Vs. State of West Bengal, (2025) 5 SCC 749*** and contended that mere breach of promise arising out of a failed consensual relationship, without evidence of misrepresentation or inducement at the threshold, are liable to be quashed. Therefore, further continuance of the impugned proceeding would be mere abuse of the process of the Court and, therefore, he prayed for quashment of the said proceeding.

Having heard learned Counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no.2 through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed on **29th June, 2026**.

State is directed to produce the Case Diary on the date fixed.

Petitioner will be at liberty to pray for accommodation before the Court below on 9th June, 2026.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)