

21.05.2026
Sl. 13
Court No. 5
sourav

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.R. 164 of 2026

In Re: - An application under Sections 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Ejajul Haque @ Ajajul Haque & Ors.**
....petitioners.

Ms. Suman Sehanabis
Mr. Salok Sah
Ms. Anwasha Chakraborty
... for the petitioners.

Mr. Nilay Chakraborty, Ld. APP-in-Charge
... for the State.

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah
Ms. Rajashree Mukherjee
... for the opposite party no. 3.

1. The petitioners have filed the present application being CRR 164 of 2026 under Section 442 read with Section 528 of the BNSS, 2023 corresponding to Section 482 of the Cr.P.C. 1973 praying for quashing of the criminal proceeding being G.R. Case No. 533 of 2026 arising out of Mathabhanga Police Station Case No. 247 of 2026 dated April 15, 2026 under Sections 137(2)/ 140(3)/ 126(2)/ 115(2)/ 117(2)/ 303(2)/ 351(2)/ 3(5) of the Bharatiya Nyay Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar.
2. Learned counsel for the petitioner submits that the victim is major and with her own consent went with the petitioner

no. 1 but only on the basis of the false complaint of the mother of the victim, the police have registered the above case. Learned counsel for the petitioner submits that the victim and the petitioner no. 1 have already married. The petitioner has filed the supplementary affidavit disclosing the certificate of marriage which reveals that on March 30, 2026, the marriage between the petitioner no. 1 and the victim was solemnized in presence of the witnesses.

3. The victim and the petitioner no. 1 are present in-person before this Court. The victim has produced the original birth certificate wherein it reveals that the date of birth of the victim is 10.12.2006 which proves that the victim is major.
4. This Court has also enquired from the victim in-person and the victim submits that she herself went with the petitioner no. 1 and they have married and the petitioner no. 1 has not committed any offence against the victim.
5. Considering the above, this Court finds that the victim is a major girl, she had a love affair with the petitioner no. 1 and with the love, she left the house of the complainant and subsequently, they have married and residing together. This Court also finds that as the victim and the petitioner no. 1 has married and residing together and thus no purpose would be served for sending this matter for trial.
6. In view of the above, the case initiated by the Mathabhanga Police Station being Mathabhanga Police Station Case No.

247 of 2026 dated April 15, 2026 under Sections 137(2)/ 140(3)/ 126(2)/ 115(2)/ 117(2)/ 303(2)/ 351(2)/ 3(5) of the Bharatiya Nyay Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar being G.R. Case No. 533 of 2026 is set aside and quashed.

7. **CRR 164 of 2026** is disposed of.
8. The original birth certificate and the school leaving certificate are returned to the victim.

(Krishna Rao, J.)