

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

Crl. Petn. No.29 of 2024

For Petitioner(s) : Mr. D. Biswas, Advocate.

For Respondent(s) : Mr. S. Ghosh, Addl. P.P.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

08.08.2024

Heard.

The present petition has been filed under Section-482 of the Code of Criminal Procedure, 1973 for quashing of the FIR and the criminal proceedings initiated by the learned Judicial Magistrate 1st Class, Court No.1 Agartala, West Tripura against the petitioners vide case No.PRC(WP) 30 of 2022 under Sections-420/417/384 & 120B of IPC.

The petitioners have prayed for the following reliefs:

“a. Admit the instant petition.

b. Call for the records and case proceedings of case No. PRC(PW) 30 of 2022 u/s 420, 417, 384 & 120B of Indian Penal Code, 1860, pending in the Court of Ld. Judicial Magistrate, 1st Class, Court No.1, West Tripura, Agartala.

c. Notify the respondents.

AND

d. After hearing both sides be pleased to quash the FIR as well as the criminal proceedings against the accused petitioners.

AND

e. Pending hearing and final disposal of the instant case this Hon'ble Court be pleased to stay the further proceedings of case No. PRC (WP) 30/2022 u/s 420, 417, 384 & 120B of Indian Penal Code, 1860 pending in the Court of Ld. Judicial Magistrate 1st Class, Court No.1, West Tripura, Agartala till final disposal of this instant case.”

The facts in brief are that one Sri Saikat Saha lodged a written complaint to the OC East Agartala Police Station alleging that the accused persons namely, Smt. Tapashi Banik, Sri Sankar Banik, Smt. Arati Rani Karmakar, Smt. Shefali Rani Banik, Sri Narayan Chandra Karmakar, Sri Biplab Karmakar, Sri Rupak Karmakar, Smt. Sunanda Pal Karmakar, Smt. Rupa Banik & Sri Gopal Chandra Banik, has cheated him by hiding and suppressing the fact of accused Smt.

Rupa Banik being married previously with someone before the marriage with the complainant.

The complainant further alleged that the accused persons namely Smti. Rupa Banik & Sri Gopal Chandra Banik has given false statement on oath before the learned Family Judge, Agartala, Tripura (W) and further alleged that Sri Biplab Karmakar and Sri Rupak Karmakar, the accused persons after order of the learned Family Judge, Agartala contacted the complainant and asked him if he could pay an one time settlement amount then they will help the matter to be mitigated. With such allegations, the FIR was lodged on 08.08.2021. Thereafter, the charge-sheet was filed by the investigating officer on 26.10.2021 against all the accused persons.

Being aggrieved by and dissatisfied with the aforesaid charge-sheet and the criminal proceedings, the accused petitioners have preferred the present petition before this Court.

Learned counsel appearing for the petitioners has submitted that the allegations made against the petitioners in the aforesaid complaint do not constitute any offence under Sections-420, 417, 384 and 120B of IPC. The allegations are baseless and there is no ingredient against the accused petitioners. The petitioners herein are distant relatives of the accused persons namely, Smt. Rupa Banik and Sri Gopal Chandra Banik and at the time of marriage of Smti. Rupa Banik (Saha) with the complainant, the petitioners visited as guests.

The accused person lodged an FIR against the complainant of the present case on 05.09.2018 before the East Agartala Women P.S. which was registered vide case No. East Agartala Women P.S. 76/2018 under Sections-498A, 307 & 34 of IPC. The learned Court below, after evaluating the evidences on record passed order in favour of Smt. Rupa Banik (Saha) on 10.03.2021 granting her and her minor child a maintenance of Rs.15,000/-.

The allegations of giving false statement before the learned Court below were against Smt. Rupa Banik (Saha) and Sri Gopal Chandra Banik and the present petitioners have no connection with the Court proceedings going on before the learned Court below. The allegation of knowledge about previous marriage of Smt. Rupa Banik (Saha) and suppressing the same, does not stand against the

present petitioners as they are neither residing in the same house nor the previous marriage was a social marriage which they attended.

In view of the above and having heard the learned counsel appearing for the parties, this Court is of the view that the allegations levelled against the petitioner Nos. 1 and 3 to 8 are false as they are distant relatives of Smt. Rupa Banik and at the time of marriage with the complainant, the respondent No.2 herein, they were visited as guests. They are neither residing in the same house nor the previous marriage was a social marriage which they attended.

Accordingly, this Court is of the opinion that justice would be met if the charge-sheet is quashed/set aside in respect to the petitioner Nos. 1 and 3 to 8 and thus, the same is ordered. But, in respect of the petitioner No.2 the same is not applicable and has to face the trial before the learned Court below. As such, for the petitioner No.2 the present petition is dismissed but for the petitioner Nos.1 and 3 to 8 the charge-sheet is set aside. The learned Court below shall proceed with the matter against the petitioner No.2.

In the light of the above observation, the present petitioner stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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