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CRR 17 of 2025

**Sri Satyanarayan Bhowmick & Anr.
Vs.
The State of West Bengal & Anr.**

Mr. Indranuj Dutta	
Ms. Benazir Sk.	
Mr. Kaustav Ghosh	...for the petitioners
Ms. Ipsita Ghosh	...for the O.P. no. 2
Mr. Sagar Saha	
Ms. Nayana Mukhopadhyay	...for the State

In this application, the petitioners have prayed for quashing of the proceeding being G.R. case no. 11603 of 2022 arising out of Naihati Police Station case no. 433 of 2022 dated 2.12.2022 under Sections 498A/506/504/406/120B of the IPC, presently pending before the learned Judicial Magistrate, 1st Court, Barrackpore.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that the petitioners herein are the parents-in-law of the defacto-complainant. After a close scrutiny of the petition under Section 156(3) of the Code of Criminal Procedure filed by the opposite party no. 2, which was treated as FIR in the instant case, it is apparent that no averment has been made by the defacto-complainant by attributing any specific allegation against the present petitioners. He further submits that while the court below has dealt with said application under Section 156(3) of the Code, he has overlooked the fact that mandatory requirement of compliance under Section 154(1) and 154(3) of the Code were blatantly flouted thereby violating the law laid down by the Hon'ble Apex Court in the

case of **Priyanka Srivastava and another Vs. The State of Uttar Pradesh and others** reported in **AIR 2015 SC 1758**.

Ld. counsel for the petitioner further submits that the Investigating Officer has acted in a mechanical and laconic manner and thereby charge-sheet has been submitted against the present petitioners, who are no way connected with the alleged offence. From the complaint itself, it is crystal clear that the allegations levelled therein against the present petitioners, are vague, general and omnibus in nature without mentioning about any specific timeline of the alleged incidents. Therefore, the allegations levelled therein by no stretch of imagination, give rise to any criminal offence, far less any of the offences as alleged under Sections 498A/506/504/406/120B of the IPC against the present petitioners. Therefore, further continuance of the impugned proceeding on the basis of such vague, general and omnibus allegations, which are silent about the precise individual acts of the accused and which do not show as to which accused has committed what offence and what is the exact and specific role, played by the accused in the commission of offence, would amount to abuse of process of the court. Therefore, the petitioners have prayed for quashment of the impugned proceeding.

Learned counsel for the opposite party no. 2/complainant raised objection against such contention of the petitioner by filing an affidavit-in-opposition. In the said opposition, she has specifically stated that the allegations made in the FIR and the statements recorded during investigation and the other materials collected by the Investigating agency clearly discloses commission of cognizable offence and establishes a prima facie case against the present petitioners. The petitioners by way of filing the instant application,

have sought for adjudication of disputed questions of fact, which can only be decided upon appreciation of evidence during trial. Therefore, the grounds urged in the revisional application constitute the matters of defence, which cannot be examined in the present proceeding seeking quashment. In fact, the statement of charge-sheet mentioned witnesses and seizure list discloses sufficient materials warranting the continuation of the criminal proceeding. Therefore, the present case does not fall within the categories of consideration for quashment of the proceeding and therefore, the instant application is liable to be dismissed.

Learned counsel for the State places the case diary in support of complainant's argument and submits that the materials collected so far during investigation against the present petitioners disclose the commission of cognizable offence and therefore, the prayer made by the petitioners for quashment of the proceeding is liable to be dismissed.

I have considered the submissions made on behalf of the petitioners and both the opposite parties and I have also gone through the written complaint and the statements recorded under Section 161 of the Code.

Having heard learned counsel for the petitioners, it appears that except the bald statement that the petitioners herein being the parents –in-law have supported the husband/accused (who is not the petitioner herein) in harassing the defacto complainant demanding dowry, nothing else indicating their involvement is found in the alleged crime.

I am not unmindful to the proposition of law that criminal proceeding are not normally interdicted at this stage unless there is

an abuse of the process of a court or that quashment is required to secure the ends of justice. However, it is also well settled that the courts should be careful in proceeding against the relatives of husband pertaining to matrimonial disputes and such relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.

On careful perusal of materials placed before me, it is clear that it does not show as to which petitioner/accused has committed what offence and what is the exact role played by these petitioners in the commission of the alleged offence. There could be said something about husband /accused but the allegations against present petitioner are vague and general and are completely silent about the precise acts of the petitioners herein. Therefore, it is abundantly clear that complainant has implicated her parents-in-law/ petitioners herein maliciously due to unsuccessful marital relationship with her husband and also with an ulterior motive for wreaking vengeance against the petitioners and with a view to spite them due to marital discord.

Therefore, on the basis of the materials collected during investigation, I find that the chance of conviction against the present petitioners, who are parents-in-law of the defacto-complainant is bleak and it would yield no fruitful purpose even if it is allowed to continue. Therefore, further continuance of impugned proceeding against the present petitioners would be nothing but a mere abuse of process of the court.

In view of above, CRR 17 of 2025 is hereby allowed.

The impugned proceeding being G.R. case no. 11603 of 2022 arising out of Naihati Police Station case no. 433 of 2022 dated 2.12.2022 under Sections 498A/506/504/406/120B of the IPC, presently pending before the learned Judicial Magistrate, 1st Court, Barrackpore is hereby quashed qua the petitioners namely, **Sri Satyanarayan Bhowmick and Smt. Milan Bhowmick.**

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

(Dr. Ajoy Kumar Mukherjee, J.)