

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Criminal Petition No.4 of 2012

Shri Mridul Debnath,
S/o Shri Manindra Chandra Debnath,
Resident of Radhanagar, P.O - Agartala,
P.S. West Agartala, Dist. - West Tripura.

..... *Petitioner.*

- Vs -

- 1. Smt. Archana Debnath,**
D/o Shri Makhan Debnath,
W/o Shri Mridul Debnath,
Resident of Harina East,
P.O - Harina, P.S. - Sabroom,
District - South Tripura.
- 2. The State of Tripura,**
(To be represented by the Public Prosecutor,
Hon'ble Gauhati High Court,
Agartala Bench, Agartala.
- 3. The Investigation Officer,**
Sabroom Police Station, Case No - 83/2011,
Under Section 418/506 of the I.P.C., 1860.

..... *Respondents.*

_B_E_F_O_R_E_

THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner : Mr. P Sen Choudhury, Advocate.

For

respondent No.1 : Mr. Somik Deb, Advocate,
Mr. S Ghosh, Advocate.

respondent Nos.2 & 3 : Mr. R C Debnath, Addl. P. P.

Date of hearing
and delivery of judgment : 20.8.2015.

Whether fit for reporting :

Yes	No
	J

JUDGMENT & ORDER(ORAL)

By means of this petition, the petitioner (*hereinafter referred to as the husband*) has prayed for quashing of two criminal complaints filed by the wife but at the time of hearing arguments were limited against the complaint filed by the wife at Sabroom and on the basis of which FIR No.83 of 2011 has been registered against the husband on 23rd September, 2011 under Section 418 r/w Section 506 of I.P.C.

2. The undisputed facts are that the petitioner-husband was married to the respondent-wife. The husband filed a petition for grant of divorce before the Family Court at Agartala and notice of such petition was served upon the wife on 2nd June, 2011. Thereafter, on 17th June, 2011 the wife filed a complaint before the Officer-in-Charge of the West Agartala Police Station in which she made allegations against the husband and her in-laws alleging that her husband and her in-laws had treated her with cruelty and on the basis of this complaint, proceedings under Section 498A were initiated against the husband and his family members. Thereafter, on 16th July, 2011 the petitioner filed a written complaint in the Court of Sub Divisional Judicial Magistrate(SDJM), Sabroom and the learned SDJM referred the matter to the police u/s 156(3) of Cr.P.C and thereafter the police has lodged the FIR No.83 of 2011.

3. I have carefully gone through both the complaints. In the first complaint there is only allegation of torture and harassment. In the second complaint the same allegation has been repeated but thereafter the wife also stated that when her husband left her at Sabroom he on telephone used to promise her that he would give up his wayward habits and would treat her properly. Thereafter he filed a petition for divorce and as such has cheated her.

4. In the complaint made before the learned SDJM, Sabroom the wife has not even made a reference to her original complaint filed with the West Agartala Police Station. The least that is expected of any honest complainant is that the complainant should inform the Court of all facts. Not only this, the wife in the second complaint has stated certain facts and the basis of these allegations are occurrences which took place prior to 17th June, 2015 and therefore, should have formed part of the complaint filed by her at Agartala on 17th June, 2015. Therefore, I am clearly of the view that the second complaint is a total abuse of the process of the Court and the same is, accordingly, quashed.

5. Since this Court is not going into the merits of the case it is made clear that if the wife wants to make some supplementary statement in the case filed at Agartala, she may do so and the police may record such supplementary statement

and if on verification the police finds that further investigation is required to be done then it shall approach the Magistrate for appropriate directions.

6. With these observations the petition is disposed of.

CHIEF JUSTICE

Sukhendu