

18.09.2020
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Ct.03

CRR 1129 of 2020
With
I.A. No.CRAN 01 of 2020
(Old No.CRAN 4465 of 2020)

Sandip Kundu & Ors.
Vs.
State of West Bengal & Anr.

Mr. Mrityunjoy Chatterjee
...for the petitioners

Mr. Saibal Ganguly
Mr. Arijit Ganguly
Mr. Sanjib Kumar Das
...for the State

The instant revisional application is filed by the petitioners against whom the opposite party No.2 has filed F.I.R. under Sections 498A/406/325/308/34 I.P.C. praying for quashing of investigation arising out of Gobardanga P.S. Case No.54 of 2020 dated 09.03.2020.

Learned advocate for the petitioners submits that marriage of the opposite party No.2 was solemnized with the petitioner No.1 about 19 years back. Admittedly, the petitioner No.1 and the opposite party No.2 are residing separately from each other. But only to harass the husband the other matrimonial relations the opposite party

No.2 filed an FIR alleging physical and mental torture by the petitioners. It is further submitted by the learned advocate for the petitioners that from the FIR itself it is clear that there is no allegation of cruelty against the petitioner Nos. 2 to 4. The petitioner No.1 is the husband. Investigation may be continued against petitioner No.2 but the FIR may be quashed as against other petitioners.

Learned advocate for the State of West Bengal has raised serious objection against the prayer made by the petitioners in the instant revision.

I have carefully perused the FIR. In the FIR it is specifically alleged that the husband of the petitioner used to treat the opposite party No.2 with cruelty at the instigation of other petitioners. The case is at the stage of investigation. It is not clear as to whether incriminating material would be available during investigation of this case or not. However, on perusal of the FIR it is ascertained that there is prima facie allegation against all the petitioners under Section 498A I.P.C. and at this stage the FIR cannot be quashed.

In view of the above discussion, I do not find any merit in the instant revision.

Accordingly, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)