

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 340 of 2021

Khokan Kumar Bag & Ors.

-vs-

The State of West Bengal

For the Petitioners : Mr. Angshuman Chakraborty

Heard on: 09.02.2021

Judgment on: 09.02.2021

Jay Sengupta, J.:

This is an application for quashing of an investigational proceeding under Sections 498A/304/34 of the Indian Penal Code, Section 4 of the Dowry Prohibition Act, and Sections 3(1)(ii)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.

Learned counsel appearing for the petitioner submits as follows. The petitioners are the in-laws of the victim deceased. However, the prime accused being the husband has not

approached this Court. The present petitioners are residing separately and have not committed any offence as alleged. The allegations against the present petitioners are absolutely commonplace. As would be evident from a plain reading of the first information report no prima facie case is made out against the petitioner. Any further continuation of the impugned proceeding shall be an abuse of the process of Court. Since the allegation is levelled even under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), the petitioners cannot even move an application for anticipatory bail.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision petition including the certified copy of the first information report annexed with the petition.

From a plain reading of the first information report, it appears that specific allegations have been made against the accused even under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act). The allegations are required to be investigated into.

The contentions of the petitioners that they were residing separately and did not commit any offence, are disputed questions of fact, which cannot be gone into at this stage.

In view of the above, I do not find any justification in interfering with the investigation of the case.

Accordingly, the revisional application is dismissed.

However, there shall be order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)