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23.08.2021
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CRR 1056 of 2018

(via Video Conference)

Himadri Sekhar Paul & Ors.

-vs-

The State of West Bengal & Ors.

**Mr. Uday Shankar Chattopadhyay
... for the petitioners**

**Mr. Saswata Gopal Mukherjee
Mr. Imran Ali
Mrs. Debjani Sahoo
... for the State.**

Supplementary affidavit filed on behalf of the petitioners be kept with the record.

Learned advocate for the petitioners have challenged the proceedings arising out of Raniganj Police Station Case No. 09 of 2018 dated 04.01.2018 under Sections 323/307/341/506/120B of the Indian Penal Code now pending before the Learned Judicial Magistrate, 7th Court, Asansol. Earlier a comparative report in respect of the allegation was sought for from the investigating officer of the case relating to Kulti P.S. Case No. 317 of 2017 dated 05.07.2017 and Raniganj Police Station Case No. 09 of 2018 dated 04.01.2018. Such report has been submitted by the Inspector-in-Charge, Raniganj Police Station. The charge sheet in connection with Raniganj Police Station Case No. 09 of 2018 was submitted under Sections under Sections 323/307/341/506/120B of the Indian Penal Code. The accused persons in both the cases are the husband, father-in-law, mother-in-law, sister-in-law and the brother-in-law.

I have perused the genesis of the case which was on the basis of an application under Section 156(3) of the Code of Criminal Procedure filed at the instance of one Pragati Paul Sharma, who was also the complainant in respect of Kulti Police Station case No. 317 of 2017 dated 05.07.2017. The dispute arose out of a matrimonial discord and the allegations as such are against the husband and all the inmates of the matrimonial home. Having regard to fact in respect of which allegations have been referred to I find that most of the allegations were till 30.11.2017 wherein all the five accused persons were implicated. A sole incident has been referred to on 2nd November, 2017 at the grand-mother's house. On an assessment of the overall circumstances of this case which involve the persons named in both the FIR as also relationship between the parties and the time period, I am of the view, that so far as the petitioners namely Chandra Sekhar Paul, Rekha Paul, Bhawani Ghosh, Sanjoy Ghosh are concerned the proceedings against them should not be allowed to be continue. Accordingly, all further proceedings in respect of Raniganj Police Station Case No. 09 of 2018 dated 04.01.2018 and any order passed therein so far as the aforesaid four petitioners are concerned are quashed. However, the proceedings would continue against the petitioner no. 1, Himadri Sekhar Paul.

With the aforesaid observation, CRR 1056 of 2018 is partly allowed.

All pending applications, if any, are consequently disposed of. Interim order, if any, is hereby vacated.

The learned Magistrate is directed to proceed with the trial in respect of the petitioner no. 1.

All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)