

CRR 1548 of 2021

In re : An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Subhas Mukherjee & Ors.**

..... petitioners

**Mr. Saikat Nag
Mr. Supriya Sarkar
Mr. Amarnath Das**

....For the petitioners

**Ms. Sukanya Bhattacharyya
Ms. Amita Gour**

....For the State

This is an application for quashing of a proceeding being G.R. Case No. 1872 of 2020 under Sections 498A/406/34/506 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate, Sealdah.

The learned advocate for the petitioners submits that the petitioner no. 1/husband, is working in the USA and at the time of the alleged commission of the offence, he was not in India.

It has further been submitted that petitioner no. 3 is the sister-in-law of the de-facto complainant and petitioner no. 4 is the husband of petitioner no. 3. They also live in a separately from the matrimonial home of the opposite party no. 2.

I am of the opinion that the petitioners may take all these points before the learned Magistrate in the Court below. The said facts cannot be considered by this Court in the exercise of power under Section 482 of the Code of Criminal Procedure, 1973.

With these observations, the revisional application being **CRR 1548 of 2021** is disposed of.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)