

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1546 of 2020

Uddipto Roy & ors.

Vs.

State of W.B. & another

For the Petitioners : Mr. Pawan Kr. Gupta
: Ms. Sofia Nesar
: Mr. Santanu Sett

For the State : Mr. Arijit Ganguly
: Mr. S. Dawn

For the O.P. No.2 : Mr. Sabyasachi Mukherjee
: Mr. Bibek Dey

Heard on: 7th January, 2021

Judgment on : 7th January, 2021

The Court:

This is an application for quashing of an investigational
proceeding in G.R. Case No. 4819 of 2020 pending before the

learned Additional Chief Judicial Magistrate, Barackpore, North 24 Parganas arising out of Titagarh Police Station Case No. 451 of 2020 dated 21.08.2020 under Sections 323, 325, 406, 498A and 506 of the Indian Penal Code.

A report filed on behalf of the State regarding intimating the defacto-complainant is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are not the relatives of the victim's husband. They are mere neighbours. On 26.6.2020, the neighbours of the husband lodged an information with the police about the disturbance and ruckus created by the victim and her family members in the neighborhood. As a counter blast, some of such neighbours have been falsely implicated in the present case. As would be evident from a prior complaint lodged by the victim on 29.07.2020, it was clearly mentioned that the assault in question was perpetrated by the husband and her family members. As such, the present petitioners cannot be arraigned as accused in this case.

Learned counsel appearing on behalf of the State submits as follows. As would be evident from the statements of the victims' parents as well as two neighbours of the accused, the present petitioners are also relatives of the husband. As such, the present petitioners cannot be exonerated on the ground

that they were merely the neighbours of the husband no reference about whom was made in the earlier complaint of the victim. Besides, a prima facie case is made out against the present petitioners regarding commission of the alleged offences.

Learned counsel appearing on behalf of the defacto-complainant/opposite party submits that the points raised in this revisional application are disputed question of facts and can only be decided during trial.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition and the case diary.

From the statements of witnesses, especially of two independent witnesses, it appears that the present petitioners are the relatives of the husband of the victim/defacto-complainant. Therefore, the prior complaint made by the victim on 29.07.2020 and the First Information Report cannot be questioned vis-à-vis the present petitioners on this score that they were not the relatives of the husband. After all, it was clearly stated in the prior complaint as well as in the First Information Report that the offences were committed by the husband and his relatives. At best, the issue whether the petitioners are the relatives of the husband of the victim or not

would be a disputed question of fact that could be decided only during trial.

Besides, from a plain reading of the First Information Report and the statements of the witnesses contained in the case diary, it cannot be said that no prima facie case is made out against the present petitioners.

The investigation is going on and I find no ground to interfere with the same.

In view of the above, I do not find any merit in this application.

Accordingly, the revisional application being CRR 1546 of 2020 is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)