

10.11.2022

Item No.35
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 108 of 2021

**Mohuya Adak
versus
State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta ... For the Petitioner.

Ms. Sreeparna Das ... For the State.

Mr. Gora Chand Samanta,
Mr. Gazi Faruque Hossain,
Ms. Priyanka Mandal ... For the Opposite Party No.2.

This revisional application has been preferred challenging Dhaniakhali Police Station Case No. 155 of 2019 dated 07.09.2019 under Sections 498A/406 of the Indian Penal Code pending before learned Judicial Magistrate, 5th Court, Chinsura, Hooghly. The investigating agency, in fact, after completion of investigation, submitted charge-sheet against four accused persons.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the present petitioner is a married sister-in-law who is staying separately in a matrimonial home and has been implicated in connection with the instant case because of being related to the husband with whom there is a matrimonial discord with the complainant, viz., Sonamoni Dalui.

I have perused the letter of complaint which was addressed to the Officer-in-Charge, Dhaniakhali Police

Station and I find that the genesis of the case relating to dispute cropped up when the husband demanded a sum of Rs.1,00,000/- from the wife to bring the same from her parents. The complainant, in fact, very vaguely used the phrase 'husband and family members of the matrimonial home', but subsequently corroborated the name of the present petitioner. I have perused the allegations made in the charge-sheet and the accompanying documents which include the statement of the complainant, her parents, one neighbour and a barber. There is no specific contention that the married sister-in-law was staying at her parental home; no specific overt act has been alleged against her. Another unmarried sister-in-law who was similarly named has been left out in the charge-sheet by the investigating agency as she was staying at her college hostel.

Having regard to the nature of allegations made against the present petitioner, the fact that she is residing at her matrimonial home in a separate residence and similarly placed accused has been discharged in connection with the instant case along with the fact that the subject-matter of demand of dowry was related exclusively to the husband and the parents-in-law, I am of the opinion that further continuance of the proceedings so far as the present petitioner is concerned is unwarranted.

Accordingly, all further proceedings relating to Mohuya Adak in connection with the charge-sheet filed in Dhaniakhali Police Station Case No. 155 of 2019 dated 07.09.2019 under

Sections 498A/406 of the Indian Penal Code are hereby quashed.

So far as the proceedings in respect of the other accused persons are concerned in the charge-sheet, learned trial court will consider their charges and proceed with the trial of the case as expeditiously as possible.

The revisional application being CRR 108 of 2021 is, thus, allowed.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)