

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 276 of 2022

Reshma Begum @ Reshma Bibi & Ors.

Vs.

The State of West Bengal & Anr.

For the Petitioners : Mr. Saheb Banerjee

Heard on : 07.02.2022

Judgement on : 07.02.2022

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding in which a charge sheet was submitted under Sections 307, 323, 324, 325, 354, 354A, 498A, 506 and 509 read with Section 34 of the Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned Counsel appearing on behalf of the petitioners submits as follows. The First Information Report was lodged after nearly ten years from the date of marriage between the couple in question. Earlier, the mother in law being the present petitioner no.3 had lodged a First Information Report alleging commission of offences against the de facto complainant and her brother prior to

the present proceeding. The de facto complainant approached the District Legal Services Authority for a settlement. The husband petitioner would also like to take back the wife at his house. The petitioners are absolutely innocent. No prima facie case is made out against the present petitioners as would be evident from a plain reading of the First Information Report and the charge sheet. Any further continuation of the impugned proceeding shall be an abuse of the process of Court.

I have heard the submissions of the learned Counsel appearing on behalf of the petitioners and have perused the revision petition.

From a careful reading of the First Information Report, it appears that several serious allegations have been made against the present petitioners by the de facto complainant. Not only there were dowry demands, she was physically and mentally tortured for not bringing such dowry. The brother in law gave her an indecent proposal. The husband was having an illicit relationship with others. On 28.07.2019, the husband assaulted her severely and tried to kill her. After receiving serious bleeding injuries, she had to go to Bardhaman Medical College and Hospital for treatment.

It appears from the charge sheet that several doctors have been cited as witnesses.

Regardless of whether there was an earlier case started by one of the petitioners against the present de facto complainant, it appears that a prima facie case is made out against the accused in the present case.

Moreover, the falsity of an allegation is not a thing that can be adjudicated in an application for quashing under Section 482 of the Code. Disputed questions of fact have to be decided during trial.

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

However, there shall be no order as to costs.

The petitioners shall be at liberty to raise all the points taken up in this application before the learned Trial Court at an appropriate stage.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)