

19-12-2022
Subha
Item no.35
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 176 of 2021

Smt. Mithu Singha & Ors.
-versus-
The State of West Bengal & Anr.

Re : An application under Section 482 of the Cr.P.C.

Mr. Pawan Kumar Gupta
Mr. Sougata Mitra
Mr. Rameswar Sinha
Ms. Sofia Nesar
Mr. Santanu Sett

.....for the petitioners.

Mr. S. G. Mukherji, ld. PP,
Mr. Imran Ali
Ms. Debjani Sahu

.....for the State.

The present revisional application has been preferred challenging the proceedings arising out of Purulia(T) Police Station Case No. 15 of 2019 dated 20.02.2019 under Sections 498A/506/34 of the Indian Penal Code.

In connection with the investigation of the said case, the Investigating Agency on completion of investigation submitted chargesheet against the 15 accused persons.

The accused persons include not only the husband, mother-in-law, but also uncle-in-law, aunt-in-law, brother-in-law, sister-in-law and friends of the husband.

Having considered the facts of the present case, the genesis of the case arising from matrimonial discord and that the chargesheet has been submitted under Sections 498A/506/34 IPC, I am of the

opinion that the Investigating Agency should have been more cautious while implicating such huge number of accused persons on the basis of very general/omnibus allegations.

The factum of demand of dowry, mental and physical torture inflicted is restricted to the inmates of the matrimonial home and the same has got nothing to do with far of relations or married sister-in-law who are staying at different far-off places, so also the friends, who have been named herein should not be implicated in a matrimonial discord until and unless there are specific allegations against them regarding their overt act or participation in inflicting physical and mental torture.

Bare threatening of dire consequences should be elaborated when members out of the family are being implicated in cases under 498A of the Indian Penal Code and for the same it was incumbent to the police authorities to collect evidence from the independent sources and just not restrict themselves to the allegations made in the FIR.

Having regard to the peculiar manner in which the investigation has been conducted, and wherein 15 accused persons have been roped in which include far of family members and friends of the husband, I am of the opinion that the instant proceedings for the present should not be allowed to be continued against the petitioners who have approached this court.

Accordingly, the proceedings against the following persons are hereby quashed :-

1. *Arijit Banerjee @ Benu* 2. *Prabir Panda* 3. *Tanuja Panda* 4. *Mithu Singh* 5. *Abijit Singh @ Hira* 6. *Panu Singh @*

Satyajit 7. Rirya @ Nobinita Singh 8. Neha Singh @ Kousimita Singh 9. Biswajit Mukherjee @ Bisu 10. Mukta Singh 11. Soumitrya Singh 12. Indrani Singh.

So far as the proceedings against the husband, namely, **Surajit Singh**, father-in-law, namely, **Kiriti Prasad Singh** and mother-in-law, **Minati Singh** would continue in accordance with law.

However, the learned Magistrate in seisin of the matter is not precluded from impleading any person as an accused person if specific evidence against such person surfaces in course of the evidence. The learned Magistrate at that stage would invoke the provisions under Section 319 of the Code of Criminal Procedure.

The learned Chief Judicial Magistrate, Purulia or the jurisdictional court in seisin of the matter is directed to frame charges against them and proceed with the trial of the case taking the same to its logical conclusion.

With the aforesaid observations, the present revisional application being CRR 176 of 2021 is allowed.

Report so filed by the SI of Police, Purulia(T) PS through the learned advocate for the State be kept with the record.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

