

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 652 of 2022

With
CRAN 1 of 2022

**Arijit Bhattacharjee @ Lt. Col. Arijit Bhattacharjee
Vs.
The State of West Bengal & Anr.**

**For the petitioners : Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Mr. Koustav Lal Mukherjee**

**For the State : Mr. Ranabi Roy Chowdhury, Adv.
Mr. Imran Ali, Adv.
Ms. Debjani Sahu**

**For the Opposite Party No.2 : Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani**

Heard on : 18.07.2022

Judgment On : 18.07.2022.

Bibek Chaudhuri, J.

The petitioner is the husband of the opposite party no.2. The petitioner has challenged his marriage with the opposite party on the

ground of nullity because of the fact that at the time of his marriage with the opposite party no.2, the opposite party no.2 had a subsisting marriage. The marriage between the petitioner and the opposite party no.2 is void on the ground that on the date of marriage the opposite party no.2 had a subsisting marriage.

The opposite party no.2 lodged a complaint against the petitioner under Sections 498A/406/34 of the Indian Penal Code against the petitioner and the other matrimonial relation of the opposite party no.2.

It is submitted on behalf of the petitioner that the petitioner has already filed Matrimonial Suit No. 104 of 2021 for Annulment of Marriage under Section 24 of the Special Marriage Act, 1954. The said suit is still pending.

Therefore, the petitioner has prayed for quashing of the entire proceedings, being G.R. Case No. 2423 of 2019 arising out of Titagarh Police Station Case No. 258 of 2019 dated 24th May, 2019 under Sections 498A/406/34 of the Indian Penal Code presently pending before the Learned Additional Chief Judicial Magistrate at Barrackpore.

I have heard the learned advocates for the petitioner and the opposite party. The fate of G.R. Case No. 2423 of 2019 depends upon the final disposal of the Matrimonial Suit filed by the petitioner against the opposite party no.2. If the marriage of the petitioner with the opposite party no.2 is annulled by a decree passed by a competent civil

court, the charge under Section 498A of the Indian Penal Code would not stand.

In view of such circumstances, though this court cannot quash the entire proceedings in G.R. Case No. 2423 of 2019, it is directed that trial of G.R. Case No. 2423 of 2019 shall remain stayed till the final disposal of Matrimonial Suit No. 104 of 2021 filed by the petitioner against the opposite party no.2.

With the above order the instant criminal revision is disposed of on contest, however, without cost. The connected application is also disposed of.

(Bibek Chaudhuri, J.)