

D/L 89
March 15,
2022
Bpg.

CRR No.471 of 2019

In Re: An application for quashing of the proceedings under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 filed in connection with Asansol (Women) Police Station Case No.03/2014 dated 4.1.2014 under Section 498A/323/406/403/120B of the Indian Penal Code;

Prasanta Kumar Saha @ Khokan Saha & Ors.
Versus
The State of West Bengal & Anr.

Mr. Rajendra Banerjee,
Mr. Joy Chakraborty.
...for the petitioners.

Mr. Swapan Banerjee,
Ms Purnima Ghosh.
...for the State.

The present revisional application has been preferred challenging the Asansol (Women) Police Station Case No.03/2014 dated 4.1.2014 under Sections 498A/323/406/403/120B of the Indian Penal Code.

The present petitioners happen to be the maternal uncles-in-law (petitioner nos.1 and 2) and brother-in-law (petitioner no.3).

Learned advocate appearing for the petitioners has drawn the attention of this Court to the order passed in CRR 1654 of 2014 wherein the proceeding were quashed in respect of Kalyani Saha, Sabari Saha, Probhat Bhattacharjee, Purnima Mondal and Kanta Mondal. Learned advocate emphasises that the present petitioners are similarly situated so far as the allegations are concerned which

has surfaced out in the statements under Section 161 of the Code of Criminal Procedure.

Ms. Ghosh, learned advocate appearing for the State has produced the case diary and drawn the attention of this Court to the statement of the witnesses.

Report so submitted by Ms. Ghosh, learned advocate appearing for the State be kept with the record.

I have considered the statement of the witnesses available in the case diary and all the statements refer to the husband and the in-laws of the matrimonial home. No specific allegation has been made against any of the inmates of the matrimonial home.

Having regard to the fact that similarly placed accused persons have been granted the relief, I am of the opinion that the present petitioners also stand on the same footing and are entitled to similar relief as prima facie no specific allegations are appearing against them in the case diary.

Accordingly, all further proceedings arising out of Asansol (Women) Police Station Case No.03/2014 dated 4.1.2014 under Sections 498A/323/406/403/120B of the Indian Penal Code is hereby quashed so far as the petitioners are concerned.

As there are allegations against the husband, the learned Magistrate/trial court is directed to proceed with the trial so far as the husband is concerned.

Thus, CRR No.471 of 2019 is allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby made absolute.

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

(Tirthankar Ghosh, J.)