

D/L36
28.09.2022
Bpg.

C.R.R. No.480 of 2021

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Rakhi Saha
Versus
The State of West Bengal & Anr.

Mr. Ranajit Ray,
Mr. Ayanabha Raha.
...for the petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji.
...for the opposite party no.2.

Ms. Sreeparna Das.
...for the State.

Learned advocate appearing for the petitioner submits that in the letter of complaint there are allegations against her that she was having an illicit relationship with the husband of the complainant namely Suborna Chowdhuri. Learned advocate further submits that the petitioner has unnecessarily been implicated in the instant case under Section 498A of the Indian Penal Code and the complaint was lodged by incorporating wild allegations and the petitioner was charged under Section 494 of the Indian Penal Code. It has also been submitted that going by the tenor of the letter of complaint the introduction of the present petitioner in the said complaint is abrupt and with the object of satisfaction of a grudge.

Ms. Das, learned advocate appearing for the State submits that the Investigating Agency has recorded the statements

of Arpita Chowdhury, Suborna Chowdhury, Asim Chatterjee and Arup Chatterjee and prima facie could not establish the charges of Section 494 of the Indian Penal Code and, as such, submitted charge-sheet under Sections 498A/406/34 of the Indian Penal Code.

Mr. Chattopadhyay, learned advocate appearing for the private opposite party no.2/complainant submits that there are materials appearing against the present petitioner and he has been instructed that Suborna Chowdhuri is still maintaining a live in relationship with the present petitioner. As such, the charges under Section 494 of the Indian Penal Code is made out which the police purposely did not incorporate in the charge-sheet.

Be that as it may, as charge-sheet has been submitted under Sections 498A/406/34 of the Indian Penal Code, I am of the opinion that the locus of the present petitioner do not satisfy the requirements of attracting the said provisions. Accordingly, the continuance of proceedings of Women Police Station Case No.455 of 2019 dated 03.12.2019 and the charge-sheet submitted against the present petitioner is hereby quashed.

However, there is some force in the submission of Mr. Chattopadhyay, learned advocate appearing for the complainant and as settled proposition of law the complainant would be at liberty to take out an application under Section 173(8) of the Code of Criminal Procedure before the jurisdictional court for drawing the attention regarding the materials which are in her custody praying for further investigation. The complainant will also be at liberty to

institute a separate case under Section 200 of the Code of Criminal Procedure if there are materials for charging the present petitioner under Section 494 of the Indian Penal Code. However, so far as the present revisional application is concerned, for the present, the charges against the petitioner is quashed.

Accordingly, CRR 480 of 2021 is allowed.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)