

23-11-2022
Subha
Item no.21
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 491 of 2021
With
CRAN 3 of 2021

Mrs. Mukta Dutta & Ors.
-versus-
The State of West Bengal & Anr.

Mr. Aneek Pandit
Mr. Pinaki Brata Ghosh
Mr. Sonakshi Mitra
Mr. Ali Rizvi
Mr. Tanisha Jain
....for the petitioner.

Ms. Arundhati Banerjee
Mr. Kaustav Banerjee
Ms. Rita Kundu
...for the Opposite Party no. 2.

Mr. S. G. Mukherji, Id. PP,
Ms. Manisha Sharma
Ms. Sreeparba Das
...for the State.

The present case being Karaya P. S. Case No. 256 of 2020 has been registered for investigation under Sections 498A/34/506/509 IPC. The peculiarity of the case is that the complainant has alleged regarding offences being committed by the in-laws and the other relations in her matrimonial home leaving aside the husband. There is no case for demand of dowry.

The genesis of the case as alleged relates to dispute regarding the complainant staying at her matrimonial home with her husband and other relations. There are allegations of the complainant being harassed, abused, attempted to be disrobed and assaulted.

Having regard to the nature of the allegations, I am of the opinion that as the husband has been left out and there is no case against the husband, the applicability of Section 498A IPC in the perspective of which it was incorporated by the Legislature in the Indian Penal Code do not apply in this case. The said Section should be struck down from the FIR which has been registered by Karaya P.S.

So far as the rest of the sections are concerned, police authorities would unearth whether any cognizable offence has been made out in view of the nature of the allegations made out in the letter of complaint and file their report under Section 173 of the Code of Criminal Procedure before the jurisdictional court within a reasonable period of time preferably by 31st January, 2023.

The interim order, if any, is hereby vacated.

The revisional application being CRR 491 of 2021 is disposed of.

Pending applications, if any, is 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]

