

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 801 of 2022

Sandip Shaw

Vs.

The State of West Bengal & Anr.

For the Petitioner : Mr. Palash Mukherjee.

Heard on : 15.03.2022

Judgement on : 15.03.2022

Jay Sengupta, J. :

1. This is an application seeking quashing of an investigational proceeding under Sections 498A and 326A read with Section 34 of the Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.
2. Learned Counsel appearing on behalf of the petitioner submits as follows. Earlier, the wife of the petitioner had filed an FIR, inter alia, under Section 498A of the Penal Code. There is a contradiction between the present FIR and the said earlier FIR. The petitioner is absolutely innocent. It was falsely stated in the FIR that acid was thrown on the face of the petitioner and that she had to be treated at a hospital. In fact, a complaint was also lodged

from the side of the accused. Any further continuation of the present proceeding shall be an abuse the process of Court.

3. I have heard the submissions of the learned Counsel appearing on behalf of the petitioner and have perused the revision petition.
4. As would be evident from a plain reading of the First Information Report, there is a clear allegation that on a particular date and time, the accused threw acid on the face of the victim lady. She somehow extricated herself from the clutches of the accused and thereafter, had to be admitted in a hospital. A GD Entry was promptly lodged in this regard.
5. Whether these facts are true or false cannot be determined by this Court in an application for quashing of a proceeding. The falsity or truthfulness of an allegation can best be adjudicated before the learned trial Court.
6. Besides, in respect of the alleged offence under Section 498A of the Penal Code, there is a clear allegation of demand for dowry and consequent torture.
7. Moreover, the proceeding is presently at a nascent stage. Investigation is still going on.
8. Therefore, I do not find any merit in the application for quashing of the proceeding. Accordingly, the same is dismissed.

9. However, there shall be no order as to costs.
10. The petitioner shall be at liberty to raise all the points taken up in this application before the learned trial Court at the appropriate stage.
11. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)