

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 859 of 2022

Rana Mukherjee
Vs.
State of W.B. & another

For the Petitioner : Mr. Manoj Kurmi

Heard on: 23 March, 2022

Judgment on : 23 March, 2022

The Court:

This is an application praying for quashing of an investigational proceeding under Sections 307, 323, 325, 406, 498A and 506 of the Indian Penal Code and read with Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the accused husband while the opposite

party no.2 is the wife who lodged the First Information Report. No prima facie case is made out as would be evident from a plain reading of the First Information Report. No charge-sheet has been submitted as yet. The petitioner is absolutely innocent.

I have heard the learned counsel appearing on behalf of the petitioner and have perused the revision petition.

It appears that the opposite party no.2 had alleged in the First Information Report that the couple got married on 28.12.2019. Dowry as demanded was given. Soon after the marriage, the petitioner started misbehaving. He demanded further dowry and also wanted the defacto-complainant's father to give away his property to him. Since the informant did not comply with his demand, she was subjected to inhuman torture, both physically and mentally. She was neglected and no food was given to her. The petitioner tried to do away with the informant on several occasions. The informant was constrained to lodge a GD entry on 10.08.2020. Finally, on 22.12.2020, the petitioner severely assaulted the defacto-complainant and the defacto-complainant along with her 10 days old baby were driven out from her matrimonial house.

It appears that a prima facie case is made out as would be evident from a plain reading of the First Information Report.

The investigation is still going on. It will be for the investigating agency to find out whether the allegations made in the FIR can be substantiated or not.

Thus, it will not be prudent to interfere with the investigation of such a case at this nascent stage.

In any event, whether the petitioner has committed such offences or not are purely disputed questions of fact that cannot be decided by this Court in an application for quashing.

Therefore, I do not find any merit in this application.

Accordingly, the same is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)