

17.02. 2022
item No.26.
n.b.
ct. no. 34

(via video conference)
CRR 1066 of 2020
+
IA No. CRAN 1 of 2020
(Old No. CRAN 2997 of 2020)

Kriti Safui
Vs.
The State of West Bengal & Anr.

Mr. Rajeev Majumder,
Mr. Pritam Roy,
Ms. Arushi Rathore
.....for the Petitioner

Mr. Sabyasachi Banerjee,
Mr. Siddhartha Chatterjee,
Ms. Suchismita Chatterjee
.....for the Opposite Party no.2.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan
.. for the State.

Mr. Majumdar, learned advocate appearing for the petitioner submits that challenge is to the continuance of Garfa Police Station case no.430 of 2019 dated 30.9.2019 under Sections 341/506/114 of the Indian Penal Code presently pending before the learned Additional Chief Judicial Magistrate, Alipore, 24 Parganas(South).

Learned advocate submits that the petitioner happens to be the daughter of the erstwhile wife of the deceased while the

complainant in the instant case happens to be allegedly the married second wife of the deceased.

Learned advocate for the petitioner has drawn the attention of this Court to the First Information Report as also the charge-sheet, which has been filed by the Investigating Agency laying emphasis on the fact that the investigation is clear abuse of the process of law and bound to cause miscarriage of justice if allowed to continue.

Mr. Banerjee, learned advocate appearing for the opposite party files affidavit-in-opposition. Let the same be kept with the record. Learned advocate draws the attention of this court to Chapter XX and Chapter XXA of the Indian Penal Code and submits that the present allegations must be considered by keeping aside the issue of relationship existing between the parties.

Learned advocate reiterates that the offences complained of do make out factual foundation in the letter of complaint as the petitioner was restrained from enjoying the property of her husband and that there has been atrocities inflicted upon her by the petitioner and her associates.

Mr. Arijit Ganguly, learned advocate appearing for the State produces the Case Diary and draws the attention of this court to the statement of the witnesses which were collected in course of investigation.

I have perused the letter of complaint, which was the foundation of the First Information Report, the charge-sheet as also the statement of the witnesses, which were incorporated by the Investigating Officer of the case. The allegations made in the letter

of complaint are vague, without any specific narration of facts. The statement recorded by the Investigating Officer also reflects the same. The generalized manner in which certain narrations have been considered to come within the definition clauses of the Indian Penal Code for invoking prescribed offences under Sections 341 and 506 of the Indian Penal Code are not tenable in eye of law. The present case squarely falls within the parameters of State of Haryana Vs. Bhajan Lal reported in 1992 Supp.(1) SCC 335, as such the continuance of the same would be in ignorance of the relevant provisions of law, thus the same should not be allowed to continue any further.

Accordingly, all further proceedings arising out of Garfa Police Station case no.430 of 2019 dated 30.9.2019 under Sections 341/506/114 of the Indian Penal Code including the charge-sheet filed therein is hereby quashed.

All pending connected application, if any, are consequently disposed of.

Interim order, if any, is 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.)