

14.06.2022
Item No.41
Mithun
Ct.42

CRR 1039 of 2003

Madhubani Ghosh
Vs.
The State of West Bengal & Anr.

Mr. Debabrata Acharyya, Adv.
Mr. Sital Samanta, Adv.

...for the petitioner.

Mr. Navanil De, Adv.

...for the State.

Affidavit-of-service be kept with the record.

The instant criminal revision arises out of an application under Section 482 of the Code of Criminal Procedure praying for quashing of the proceeding being No.DD/Gariahat Police Station Case No.352 of 2001 under Sections 498A/406/34 of the Indian Penal Code pending before the learned Sub-Divisional Judicial Magistrate, 24 Parganas at Alipore and quashing of the charge sheet being No.114 of 2002 dated 13th July, 2002 filed against the petitioner herein.

It is not in dispute that the opposite party No.2 is the legally married wife of one Avijnan Ghosh. The petitioner is the elder sister of the husband of the opposite party No.2. Since 1998 she has been staying in U.S.A, working for gain presently at Massachusetts Maritime Academy. At the time of marriage of his brother with opposite party No.2, she used to serve as a Lecturer

in Pennsylvania University, U.S.A. Marriage of the brother of the petitioner was registered with the opposite party No.2 on 20th January, 2000 and a social function was held on 2nd March, 2001. The petitioner came to India to attend the said function and left for U.S.A. on 10th March, 2001. Subsequently on 19th November, 2001 she lodged a complaint. On the basis of which Gariahat Police Station Case No.352 of 2001 was registered against the husband of the opposite party No.2 and other matrimonial relations including the present petitioner. It is submitted that the petitioner had no occasion to have any interaction with the opposite party No.2. There was no occasion to treat opposite party No.2 with cruelty.

On perusal of the entire materials on record and having heard the submission made by the learned Advocate for the petitioner as well as the learned Advocate for the State, this Court is of the view that the petitioner was falsely implicated in this case with some baseless allegation. Criminal proceedings under Sections 498A/406 of the IPC cannot lie against the petitioner as at the time of lodging complaint and even after the marriage of the opposite party No.2 with her husband, the petitioner had no occasion to stay with the opposite party No.2.

Therefore, the charge-sheet being No.114 of 2002 dated 13.07.2002 under Section 498A/406/34 of the Indian Penal Code be quashed as against the petitioner.

However, the case will continue against the other charge-sheeted accused persons.

The instant criminal revision, is, accordingly **disposed of.**

Interim order be vacated.

Since this is an old matter, the learned Magistrate in the Court below is requested to expedite the hearing of the case.

(Bibek Chaudhuri, J.)