

CRR 1337 of 2021
With
CRAN 1 of 2022

In Re: - An application under Sections 397 and 401 read with
Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: Monika Bhattacharjee & Ors.
.... Petitioners

Mr. Moloy Dhar,
Mr. Biswajit Sarkar

...For the Petitioners

Mr. Arindam Sen,
Mr. Shibasis Chatterjee

...For the Opposite Party No. 2

In Re : CRAN 1 of 2022

This is an application for restoration.

Having regard to the averments made in the application, I am of
the view that the reasons for non-appearance of the learned advocate
for the petitioners on June 7, 2022, have been sufficiently explained.

Accordingly, CRAN 1 of 2022 is allowed.

In Re : CRR 1337 of 2021

Petitioners seek to quash a proceeding under Section 498A/34
of the Indian Penal Code arising out of Murshidabad Police Station
No. 405/2018 dated July 3, 2018, pending before the learned
Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

It has been submitted by the learned advocate appearing for the
petitioner that if the allegations made in the F.I.R. are read with the

statements of the victim wife in her application under Section 125 of the Code of Criminal Procedure, 1973 as well as under Section 24 of the Hindu Marriage Act, 1955, it will be apparent that there are several contradictions with regard to the demand of dowry and the presence of the accused on the date of the alleged incident.

I am of the opinion that the said alleged contradictions cannot be a ground for quashing the present proceeding. In an application for maintenance under Section 24 of the Hindu Marriage Act, 1955 before a Civil Court or before a Criminal Court under Section 125 of the Code of Criminal Procedure, 1973, a wife requires to plead that she has no independent income to support herself and the negligence on the part of husband to maintain her. The relevant F.I.R. discloses the cognizable offences under Sections 498A/34 of the Indian Penal Code, 1860. Those statements made in the applications for maintenance cannot be termed as a piece of evidence to be looked into for quashing an F.I.R.

With this observation, this revisional application being CRR 1337 of 2021 is disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)