

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2009 of 2022

**Sk. Mahammad Babar Ali @ Sk. Md. Babar Ali and
Ors.**

**Vs.
The State of West Bengal & Anr.**

For the petitioners: Mr. Biswajit Hazra
Mr. Archisman Sain

Item No.18

Heard & Judgment on: 11.07.2022

Bibek Chaudhuri, J.

On the death of one Sajahan Sk., husband of the opposite party No.2 at his matrimonial home, a case being Bolpur Police Station Case No.230 of 2020 dated 16th September, 2020 under Sections 363/323/325/307/34 of the Indian Penal Code was registered against the opposite party No.2 and her father and others.

In the said case charge sheet was submitted and the case is now pending on the stage of trial.

Subsequently, on 2nd November, 2021 the opposite party No.2 filed a written complaint in the jurisdictional police station under Sections 498A/406/306/506/34 of the Indian Penal Code against the petitioners. on the basis of which Bolpur Police Station Case No.407 of 2021 was registered. In the said case charge sheet was also submitted against the petitioners.

Now, the petitioners have prayed for quashing of the charge sheet.

It is the case of the opposite party No.2 that the petitioners used to insist upon the husband of the opposite party to commit suicide as they did not like a happy family relation between the deceased husband and the opposite party No.2. The opposite party committed suicide at the paternal home of the opposite party No.2. In order to save themselves the petitioners lodged a false case against the petitioners. Specially after the death of her husband the opposite party No.2 was treated with cruelty by the petitioners. They have misappropriated her 'stridhan' properties.

A criminal complaint case cannot be quashed in a revisional proceeding unless it is found prima facie that the impugned

proceeding will cause miscarriage of justice and further proceeding will abuse the process of Court.

This Court is not in a position to hold as to whether the subsequent complaint filed by the opposite party No.2 is a false and concocted complaint and it will cause miscarriage of justice or that it was filed with the sole object to get rid of the penal provision involved in Bolpur Police Station Case No.407 of 2021 by the opposite party No.2.

In view of filing of the charge sheet in the subsequent case, prima facie case against the petitioners has been established.

For the reasons stated above, I do not find any merit in the instant revision.

The revision is summarily **dismissed**.

(Bibek Chaudhuri, J.)