

Court No. 33  
Item 2  
sk  
25.8.2022

**CRR 1253 of 2013**

**Abantika Ghosh & Ors.-Vs-State of West Bengal & Anr.**

An application under Section 482 of the Code of Criminal Procedure.

Ms. Sreyashee Biswas  
...for the State.

None appears on behalf of the petitioners.

The petitioners have preferred the present revisional application for quashing of the proceeding being Case No. A.C.G.R. Ex. 10878 of 2012 (arising out of Haridevpur Police Station Case No. 340 of 2012 dated 13.9.2012) under Sections 498A/406 of the Indian Penal Code pending before learned Chief Judicial Magistrate at Alipore, 24-Parganas(South).

The factual matrix of the case is that the opposite party no. 2-defacto complainant lodged a written complaint before the Officer-In-Charge, Haridevpur Police Station alleging, inter alia, of physical and mental torture in the matrimonial home. On such basis FIR came to be registered against four accused persons.

Being aggrieved by and dissatisfied with the said order, the petitioners have preferred the present revisional application.

Ms. Sreyashee Biswas, learned advocate appearing on behalf of the State submits status report. The status report is taken on record. She submits that out of four accused persons already petitioner no. 1 and one other has been discharged from the case for want of evidence and the case has been

transferred to the file of learned Judicial Magistrate, 4<sup>th</sup> Court at Alipur for trial of petitioner no. 2 and one Tirthankar Mitra and she prays for dismissal of this application with regard to petitioner no. 1 of being infructuous and continuance of proceeding against petitioner no. 2.

At the very outset from this status report submitted by S.I. Haridevpur Police Station dated 22.8.2022 it is found that upon completion of investigation, charge-sheet has been submitted against two accused persons, namely, petitioner no. 2, Abantika Ghosh and one Tirthankar Mitra. The petitioner no. 1, Abantika Ghosh and one other has been discharged from this case.

Accordingly, the revisional application stands dismissed as infructuous so far as petitioner no. 1 is concerned.

As it is found that on the basis of primary materials, charge-sheet has been submitted against the petitioner no. 2, hence, the proceeding before the trial court in respect of petitioner no. 2 does not call for interference and it shall continue.

Accordingly, the revisional application of petitioner no.2 also stands dismissed.

However, it is made clear that the observation made hereinabove shall not have bearing on the right and contention of the petitioner no. 2 before the trial court.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

**(Bivas Pattanayak, J.)**