

Form J(1)

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

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

CRR 2157 of 2022

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

Md. Shahjahan Hossain
Ms. Sanjida Sultana
Mr. Prithwiraj Biswas
...for the petitioner

Mr. Anwar Hossain
Ms. Manisha Sharma
...for the State

Item No.163 ML

Heard & Judgment on: 12.07.2022

Bibek Chaudhuri, J.

The petitioner has prayed for quashing of criminal proceeding arising out of Entaly Police Station Case No.276 of 2019 dated 21st

September, 2019 under Sections 498A/4e06/323/506(ii)/34 of the Indian Penal Code being charge sheet No.270 of 2021 now pending before the learned Additional Chief Judicial Magistrate at Sealdah. It is pleaded by the petitioner that he is not a matrimonial relation of the de facto complainant. Therefore, no case under Section 498A and other cognate penal provision can be instituted against him. He is in no way connected with the alleged incident that took place between the opposite party and her husband and other matrimonial relations.

Having heard the learned advocate for the petitioner and on careful perusal of the materials on record this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned P.P.-in-charge. Mr. Anwar Hossain along with Ms. Manisha Sharma are requested to assist this Court on behalf of the State of West Bengal.

The grievance of the petitioner is that the petitioner is not a relation of the matrimonial home of the opposite party. Therefore, no charge under Section 498A and other cognate penal provision will lie against the petitioner.

In view of such circumstances, the learned Additional Chief Judicial Magistrate at Sealdah is directed to take up the case for hearing on the point of consideration of charge. If it is found that the petitioner is not a matrimonial relation of the opposite party No.2, he

is entitled to be discharged from Entaly Police Station Case No.276 of 2019 and consequent charge sheet No.270 of 2021.

The petitioner is directed to communicate this order to the Court below obtaining server copy of the same.

The instant revision is, thus, **disposed of.**

(Bibek Chaudhuri, J.)