

19.9.2022
S.D.
12.

C.R.R. 2179 of 2022

Surajit Joardar & Ors.

Vs.

The State of West Bengal & Anr.

Ms. Juin Dutta Chakraborty

...For the petitioners.

The petitioners are the accused persons in connection with Barasat Police Station Case No. 1739 of 2011 under Section 498A/323/34 of the IPC corresponding to G.R. Case No. 4266 of 2011.

The instant revision is filed by the petitioners praying for quashing of the aforesaid criminal case.

Learned advocate for the petitioners submits as follows:-

Opposite party no. 2/the defacto-complainant filed an application before the learned Chief Judicial Magistrate under Section 156(3) of the Code of Criminal Procedure. On the basis of the said application and consequent order passed by the learned Chief Judicial Magistrate at Barasat, FIR Case No. 1739 of 2011 was registered against the petitioner being the husband and other matrimonial relations. On conclusion of investigation, charge sheet has been submitted against the petitioners.

It is also submitted by the learned advocate for the petitioners that in the meantime, the defacto-complainant filed a suit for dissolution of marriage being Matrimonial Suit No. 88 of 2012. The said suit was decreed ex parte. However, after the marital status of the opposite party no. 2 and the petitioner no. 1 was savoured, the opposite party no.

2 is not inclined to take any step in the aforesaid criminal case and as the opposite party no. 2 is not interested to proceed with the aforesaid criminal case, the same may be quashed.

The above noted case was instituted on the basis of police report. The opposite party no. 2/defacto-complainant is a witness in the said case. Therefore, a criminal case instituted a police report cannot be quashed at the instance of the petitioners on the ground that the defacto-complainant has lost interest to proceed with the case.

However, the instant revision is disposed of directing the Trial Court to take effective steps to examine all the charge sheeted witnesses within six months from the date of communication of this order.

The petitioners are at liberty to act on the server copy downloaded from the official *website* of this Court.

(Bibek Chaudhuri, J.)