

CRR 1730 of 2021

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

And

In the matter of: Bapi Khanra & Ors.

.... Petitioners

Mr. Hirak Roy

...For the petitioners

Mr. Ranabir Roy Chowdhury,

Mr. Sandip Chakraborty,

...For the State

The petitioners seek to stall further proceedings in connection with Panchla Police Station Case No. 15 of 2021 dated 14.01.2021 corresponding to G.R. No. 332 of 2021 under Sections 498A, 406, and 34 of the Indian Penal Code, 1860.

The only ground that has been urged by the petitioners in support of the application is that this is the second F.I.R. at the instance of the opposite party no.2. On an earlier occasion, the opposite party no.2 lodged another F.I.R. which was registered as Panchla P.S. Case No. 275 of 2018 dated 27.11.2018 under Sections 498A/323/34 of the Indian Penal Code, 1860 over the self-same incident.

It has been submitted by the learned advocate appearing for the State that in both the cases, charge sheets have been filed by the Police.

The case diaries of the aforesaid cases have been brought before this Court by the State. A bare perusal of the aforesaid case diaries

show that the two F.I.Rs. have been lodged by the opposite party no.2 in connection with two separate incidents.

In the first F.I.R., the opposite party no.2 alleged that she had been tortured by her husband and in-laws after her marriage and she left her matrimonial house on October 17, 2018.

In the subsequent F.I.R., however, she makes an allegation that after she had left her matrimonial house on October 17, 2018, a reconciliation was effected among the petitioner and her in-laws. She again came back to her matrimonial house. Thereafter, she was again being subjected to torture lodged the subsequent F.I.R.

In my view, there is no bar to proceed with the proceeding in connection with the second F.I.R. since the two F.I.Rs. are related to two separate incidents. Subsequent to registration of an F.I.R., any further complaint in connection with the same or connected offence relating to the same incident which are parts of the same transaction is not permissible, but if two F.I.Rs. pertain to two different incidents/crimes, the second F.I.R. is permissible. **[See: (2010) 12 SCC 254 (Babubhai v. State of Gujarat)]**.

In view of the aforesaid, there is no ground to interfere with the present proceeding.

Accordingly, CRR 1730 of 2021 is dismissed.

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

(Kausik Chanda, J.)