

Form J(1)

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

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

CRR 2485 of 2022

**Malay Ghorai @ Maloy Ghorai & Anr.
Vs.
The State of West Bengal & Anr.**

**For the petitioners : Mr. Ivan Roy, Adv.,
Mr. Nirupam Dutta, Adv.,
Sk. Abdur Rahim, Adv.,
Mr. Debangshu Bandhu, Adv.**

Judgement on : 16.08.2022.

Bibek Chaudhuri, J.

The petitioners have come up with the instant application under Section 482 of the Code of Criminal Procedure praying for quashing of all further proceeding in connection with GR Case No. 201/2020 arising out of Sutahata Police Station Case No. 41/2020 dated 24th February, 2020 under Sections 498A/323/406/34 of the Indian Penal Code.

The petitioners have prayed for quashing of the above-mentioned proceeding on the grounds that the marriage of the

petitioner no. 1 was solemnized with opposite party no. 2 some times in May, 2018. After her marriage the petitioner no. 1 could ascertain that there is some psychological problem of his wife. He had a discussion with the father of the opposite party and both of them decided to take the opposite party no. 2 to a psychiatrist on 14th August, 2018. It is also stated by the Learned Advocate for the petitioners under instruction that the opposite party no. 2 was suffering from psychological ailments even prior to her marriage. Subsequently, the opposite party no. 2 voluntarily left her matrimonial home. Since then she has been residing at her paternal home. The petitioner no. 1 repeatedly tried to bring his wife back to lead a happy and normal conjugal life but failed. Finding no other alternative, the petitioner no. 1 filed a suit for divorce under Section 13 of the Hindu Marriage Act against the opposite party no. 2. After receiving summons of the said suit the petitioner has filed an FIR in the jurisdictional Police Station on the basis of which Sutahata Police Station Case No. 41/2020 was registered.

It is also submitted by the Learned Advocate for the petitioners that charge-sheet has already been submitted against the petitioners under Section 498A/406/34 of the Indian Penal Code.

The question as to whether the FIR in connection with Sutahata Police Station Case No. 41/2020 is a counter-blast of the suit for divorce or whether the written complaint narrates a real case against the petitioners would be decided only after recording evidence. This Court sitting in revision cannot decide as to whether the written complaint submitted by the opposite

party no. 2 against the petitioners contained false, fabricated and concocted story.

For the reasons stated above, I do not find any ground where the instant revision may be admitted. Accordingly, the instant revision is **dismissed** summarily.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 29.