

D/L 19
March 4,
2022
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C.R.R. No.2197 of 2019
(Via Video Conference)

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 filed in connection with Bagnan Police Station FIR Case No.85 of 2017 dated 15.02.2017 under Sections 498A/354/34 of the Indian Penal Code;

Malay Ghosh
Versus
The State of West Bengal & Anr.

Ms. Devi Priya Mitra.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Debjani Sahu.
...for the State.

Mr. Supriya Das.
...for the opposite party no.2.

Ms. Mitra, learned advocate appearing for the petitioner in CRR 2197 of 2019 submits that the present petitioner being the husband has been foisted with number of criminal cases at the instance of his wife by malafidely invoking the jurisdiction of the criminal courts suppressing the previous litigations.

Presently, there are three criminal cases which are subject matter of challenge. The present revisional application relates to Bagnan Police Station Case No.85 of 2017 dated 15.02.2017 which was registered under Sections 498A/354/34 of the Indian Penal Code.

Records of CRR 2198 of 2019 reflects that another case was instituted at the instance of the opposite party no.2 being Uluberia Police Station Case No.162 dated 19.02.2017 which is

under Sections 498A/34 of the Indian Penal Code.

On an assessment of the allegations made in the First Information Report which was initiated by way of a letter of complaint addressed to the Officer-in-Charge of Bagnan Police Station, I am of the opinion that the allegations made therein are inherently improbable and chronology of events expressed therein are self contradictory which is difficult for a prudent person to believe and the continuance of the case being Bagnan Police Station Case No.85 of 2017 dated 15.02.2017 is as such an abuse of the process of the court and is liable to be quashed.

Accordingly, all further proceedings which are pending before the learned Judicial Magistrate, 1st Court, Uluberia arising out of Bagnan Police Station Case No.85 of 2017 dated 15.02.2017 is hereby quashed.

Thus, CRR 2197 of 2019 is allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is made absolute.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)