

11-05-2022
Subha
Item no.19
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 2936 of 2018

with
CRAN 1 of 2018(Old CRAN No.3657 of 2018)

In the matter of : **Kaushik Paul**petitioner.

In Re : CRAN 1 of 2018(Old CRAN No. 3657 of 2018)

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
.....for the petitioner.

Mr. Anwar Hossain
Mrs. Debjani Sahu
....for the State.

Re : CRAN 1 of 2018

Mr. Dutta Gupta, learned advocate appearing on behalf of the petitioner/applicant submits that the learned advocate representing the petitioner could not participate in the proceedings for circumstances which were beyond his control.

I have considered the reasons so assigned in paragraph 4 of the revisional application. The grounds so assigned are found to be just and sufficient. Accordingly, the prayer for recalling the order dated 27th November, 2018 is allowed. Thus, the application being CRAN 1 of 2018 is allowed.

Re : CRR 2936 of 2018

Thereafter, this revisional application has been taken up for hearing. The subject matter of the revisional application relates to

quashing of the FIR in respect of Dum Dum Police Station No. 493 of 2018 dated 22.05.2018(G. R. No. 4584 of 2018) under Section 498A of the Indian Penal Code which was pending at the relevant point of time before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas.

I have considered the letter of complaint of one Nina Paul which was treated to be the first information report of the case. There are allegations of mental and physical torture by the husband and his relations.

Mr. Dutta Gupta, learned advocate appearing for the petitioner/husband submits that the said complaint was instituted after a period of 22 years of marriage.

Mr. Hossain, learned advocate for the State appears for the State and opposes the contentions of Mr. Dutta Gupta, learned advocate for the petitioner. Learned advocate for the State has stressed on the issue of the complainant being tortured as has been alleged in the letter of complaint.

Having regard to the nature of allegations made in the letter of complaint so far as mental and physical torture is concerned and taking into account the settled proposition of law that an FIR should not be encyclopedia of facts, I am of the view that there cannot be any interference particularly with regard to the truth and falsity made in the letter of complaint.

However, the petitioner would be at liberty to agitate the points canvassed in the present revisional application at the stage of consideration of charge by taking out an application under Section

239 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 2936 of 2018 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]