

03.02.2022

Item No.17
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 3533 of 2019
with
CRAN 1 of 2019 (Old No. CRAN 4941 of 2019)
with
CRAN 2 of 2020 (Old No. CRAN 983 of 2020)
(Via Video Conference)**

**Sri Mrityunjay Santra & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of the proceedings of BDN Women Police Station Case No. 07 of 2018 dated 22.03.2018 (G.R. No. 183 of 2018) under Sections 498A/325/307 of the Indian Penal Code pending before the court of the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas.

Mr. Sanjib Das ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Sreeparna Das ... For the State.

Mr. Dilip Kumar Saha ... For the Opposite Party No.2.

Report dated 31.01.2022 submitted by the learned advocate appearing for the State be kept with the record.

Pursuant to the order passed by this Court, the statement of the victim lady/opposite party no.2 was recorded by the concerned Officer which reflects that the lady is continuing her conjugal life with her husband who was made an accused pursuant to information furnished with the concerned police station. On conclusion of investigation, charge-sheet has already been submitted under Sections 498A/325/307 of the Indian Penal Code.

In view of the nature of Sections, which were incorporated in the charge-sheet, case diary was called for to assess the injury report. The medical report prepared on 22.03.2018 by the Medical Officer reflects that there were bruises in front of left ear and there were effects of certain assaults being inflicted upon the lady. The conduct of the husband viz., Tapan Santra is not very encouraging. However, the court has to look into the overall concern of the society and arrive at a conclusion, particularly in cases of matrimonial discord. The present statement of the lady as such is of concern, as she intends to continue her matrimonial life with the accused husband in this case, although the Sections incorporated includes Section 307 of the Indian Penal Code.

Primarily, on assessment of the medical report, I do not find that the present case is under Section 307 of the Indian Penal Code and utmost it can be a case under Section 325 of the Indian Penal Code. Accordingly, I am of the opinion that pendency and continuance of the proceedings may hamper the matrimonial life of the informant and the accused husband. Thus, all further proceedings including the orders passed in connection with BDN Women Police Station Case No. 07 of 2018 dated 22.03.2018 under Sections 498A/325/307 of the Indian Penal Code is hereby quashed against all the petitioners, viz. 1. **Sri Mrityunjay Santra**, 2. **Smt. Maya Rani Santra** and 3. **Sri Tapan Santra**.

However, having regard to the conduct of the accused No.3 viz. Tapan Santra, who happens to be the husband of the informant, I am of the opinion that he must furnish a Good Behaviour Bond of Rs.1,000/- (rupees one thousand) before the learned Additional Chief Judicial Magistrate, Bidhannagar. Additionally, the said Tapan Santra would meet the Officer-in-Charge, BDN Women Police Station once a fortnight on and from 7th February, 2022 for a period of five years.

With the aforesaid observations, the revisional application being CRR 3533 of 2019 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)