

Form J(1)

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

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

CRR 4183 of 2022

**Anulekha Sahu @ Anulekha Sahoo & Ors.
Vs.
The State of West Bengal & Anr.**

**For the petitioners : Mr. Dipanjan Dutt, Adv.,
Mr. Souma Subhra Ray, Adv.**

Judgement on : 13.12.2022.

Bibek Chaudhuri, J.

The petitioners have prayed for quashing of the investigational proceeding of Nadanghat Police Station Case No. 358/2022 dated 5th September, 2022 under Sections 341/325/307/354B/379/427/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribes Act, 1989 pending before the learned Judge, 1st Special Court at Burdwan on the ground of *mala fide*.

It is submitted by the learned Advocate for the petitioner that the Court cannot permit a prosecution to go on if the case falls in one of the categories as illustratively enumerated by the Hon'ble Supreme Court in ***State of Haryana –Vs.- Bhajan Lal*** reported in **1992 SCC (Cri) 426**. It is also submitted by him that judicial process is a solemn proceeding which cannot be allowed to be converted into an

instrument of operation or harassment. When there are materials to indicate that a criminal proceeding is attended with *mala fide* and proceeding is maliciously instituted with an *ulterior motive*, the High Court will not hesitate in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure to quash the proceedings. In support of his contention the learned Advocate for the petitioners refers to a decision of the Hon'ble Supreme Court in ***Vineet Kumar & Ors. –Vs.- State of Uttar Pradesh & Anr.*** reported in **(2017) 13 SCC 369**.

On factual score, it is submitted by the learned Advocate for the petitioners that the opposite party no. 2 is the *de facto* complainant in connection with Nadanghat Police Station Case No. 358/2022. The petitioner no. 1 is the married wife of the opposite party no. 2. After marriage as a result of matrimonial dispute the petitioner no. 1 left her matrimonial home and has been staying at her paternal home. On filing of a written complaint, a case under Sections 498A/325/506/307 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act has been registered against opposite party no. 2, his son, being the husband of petitioner no. 1 and other matrimonial relations of the petitioner no. 1.

In view of pendency of the said criminal proceeding, the petitioners never visited the residential house of the opposite party no. 2. The allegation labelled against the petitioners *per se* is baseless and *mala fide*.

Having heard the learned Advocate for the petitioners this Court is of the view that without proper investigation of an allegation it is not possible for the Court at this stage even to come to a *prima facie*

finding that the allegation made out against the petitioners by the opposite party no. 2 are baseless and *mala fide*.

For the reasons stated above, I do not find any merit in the instant revision and accordingly the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 28.