

CRR 3956 of 2015
With
CRAN 8/2018 (Old No. CRAN 1068/2018)
With
CRAN 9/2021

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973

And

In the matter of: Sri Sabyasachi Bhattacharjee & Anr.
.... Petitioners

Mr. Chittaranjan Chakraborty,
Mr. Sumit Banerjee,
Mr. Dip Jyoti Chakraborty

...for the Petitioners

Despite service, none appears for the opposite parties. This is an application for quashing of complaint case no. 993C of 2015 under Sections 498A and 34 of the Indian Penal Code, 1860, pending before the learned Judicial Magistrate, 4th Court, Krishnanagar, Nadia.

The wife/complainant/opposite party no. 1 lodged the aforesaid complaint against petitioner nos. 1, 2 and 3 and opposite party no. 2, who are her husband, father-in-law, mother-in-law and sister-in-law, respectively.

It appears that the complaint was lodged after petitioner no. 1 filed a suit for divorce before the Family Court at Guwahati, Assam on January 7, 2015. The opposite party no. 1 was served with the summons of the said matrimonial suit. She initially contested the said suit by filing a written statement but subsequently, did not appear to contest the suit. The suit was ultimately decreed ex-parte on August 29, 2017.

The main allegation in the complaint revolves around an alleged incident of July 5, 2015. It has been alleged that on the said date at 5.30 p.m. while opposite party no.1 was coming back from Bazar at Sadar of Krishnanagar, suddenly, petitioner no. 1 followed by the petitioner nos. 2 and 3 called her. Thereafter petitioner no.1 slapped her. Petitioner no.3 instigated petitioner no.1, while petitioner no.2 stood there as a silent observer. Thereafter, petitioner nos.1, 2 and 3 threatened opposite party no.1 by saying that if she wanted to stay with the petitioner no. 1, she had to come with Rs. 10 lakh. It was further alleged that the aforesaid illegal acts were done at the instigation of opposite party no. 2.

First of all, it has to be noticed that the allegations in the complaint are absurd and inherently improbable. A prudent person cannot reach a conclusion that there is sufficient ground for proceeding against the petitioners.

All the petitioners are permanent residents of Assam. It is extremely difficult to accept that petitioner no.1 along with all his family members would come down to Krishnanagar and demand 10 lakh as a condition to take back opposite party no.1 and physically attack her in an open market on demand of dowry, when the petitioner no.1 had filed a suit for divorce in Assam against opposite party no.1.

It has also to be noticed that practically, nothing specific has been alleged against petitioner nos. 2 and 3 and opposite party no. 2.

It appears that the marriage was solemnized on 31st January 2013. A few days after the marriage, opposite party no.1 had left her matrimonial home. Only after the summons of the divorce suit had been served upon her, she filed the present complaint. The long gap

between the date when opposite party no.1 left her matrimonial home and the date when she filed the complaint indicates that this complaint against the petitioners and opposite party no. 2 was a result of an afterthought and to retaliate against her in-laws for filing the divorce suit.

I am of the opinion that the complaint of opposite party no.1 was vexatious, mala fide and filed with an attempt to wreak vengeance on her husband and in-laws.

The complaint is, therefore, liable to be quashed. [**See: AIR 2021 SC 1918 (*Nihareeka Infrastructure Pvt. Ltd. v. State of Maharashtra*) and (1992) Supp (1) SCC 335 (*State of Haryana v. Bhajan Lal*)**]

I find no justification to allow the complaint case to proceed any further. Accordingly, the complaint case no. 993C of 2015 pending before the learned Judicial Magistrate, 4th Court, Krishnanagar, Nadia is hereby quashed.

CRR 3956 of 2015 is allowed.

Applications being CRAN 8/2018 (Old No. CRAN 1068/2018) and CRAN 9/2021 are also disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)