

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

06.01.2022
SI No. 19
Srimanta
Ct. No. 02

CRR 8 of 2021

In Re: **Tamal Das & Ors.**

... .. Petitioners.

Mr. Hillol Saha Podder, Adv.,

... for the Petitioners.

Mr. Aditi Shankar Chakraborty, Adv.,

Mr. Arun Kumar Sarkar, Adv.

... .. for the State.

Mr. Shibaji Kumar Das, Adv.

...for the respondent no. 2.

The instant criminal revision is filed by the accused persons (hereafter described as the petitioners) against whom Charge-sheet No. 59/2019 dated 30.04.2019 under Sections 498A/506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 was filed and also supplementary charge-sheet was filed on 30th September, 2020 adding 307 of the Indian Penal Code against the petitioners.

It is submitted by the learned advocate for the petitioners that the petitioner no. 1 is the husband of the *de facto* complainant. The *de facto* complainant lodged a written complaint before the Officer-in-Charge, Bhaktinagar Women Police Station, Siliguri against all the petitioners. It is not in dispute that marriage of the *de facto* complainant was solemnized with the petitioner no. 1 according to Hindu rites and ceremonies on 24th January, 2018. The FIR disclosed that soon after marriage the *de facto* complainant was subjected to physical and mental torture by

her husband, father-in-law and mother-in-law. It is specifically stated by her that failing to bear such physical and mental torture she became mentally depressed and sick. She was not even offered with proper medical treatment during her illness. In the meantime, she gave birth to a male child. It is further stated that on 15th August, 2018, her mother-in-law called other accused persons who are her matrimonial relations. They abused her with filthy language and also assaulted her. It is also stated by her in her FIR that her father tried to settle the dispute amicably but the accused persons informed him that they would not accept the *de facto* complainant unless further dowry is paid as per their demand. Police submitted charge-sheet against the accused persons on the basis of the materials collected by the Investigating Officer during investigation.

After filing of the charge-sheet the Court is of the view that a criminal case cannot be quashed. The petitioners have liberty to pray for discharge at the time of consideration of charge under Section 239 of the Code of Criminal Procedure. Moreover, Section 482 is to be applied by the High Court very sparingly. Considering such aspect of the matter, I am not inclined to pass any order discharging the petitioners from the above-mentioned criminal case without facing trial. Prayer is accordingly refused. The instant criminal revision is **dismissed** on contest, however, without cost.

(Bibek Chaudhuri, J.)