

Court No. 3
Item 15
Sk & Ali
03.08.2022

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRR 124 of 2019

**Jayanta Das
Vs.
The State of West Bengal & Anr.**

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

Mr. Hillol Saha Poddar
...for the petitioner.

Mr. Aditishankar Chakraborty, Ld. APP
Mr. Sourav Ganguly
...for the State

Mr. Pritam Roy
...for the opposite party no.2.

The petitioner has filed this revisional application for quashing of the proceedings being G.R.Case No. 2635 of 2017 (arising out of Siliguri women P.S.Case No. 217 of 2017 dated 18.08.2017 under Sections 341/323/506 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Siliguri, Darjeeling.

The brief fact of the case is that the opposite party no. 2/complainant is the wife of the petitioner and during subsistence of the marriage, matrimonial discord cropped up between the parties. In order to sever matrimonial ties an application under Section 13B of the Hindu Marriage Act was filed for divorce on mutual consent. However, the application was dismissed as the opposite party no. 2 withdrew her consent. It is the contention of the complainant that on the alleged date of occurrence, she was assaulted and was pushed

by the petitioner before running vehicle. On such basis Siliguri Women Police Station Case No. 217 of 2017 under Sections 341/323/506 of the Indian Penal Code came into existence. Upon completion of investigation, charge-sheet has been submitted by the police. Being aggrieved by and dissatisfied with the said proceeding, the petitioner has preferred the present revisional application.

Mr. Hillol Saha Poddar, learned advocate appearing on behalf of the petitioner submits that at the time of filing the application for divorce on mutual consent, certain amount of money was given to the opposite party no. 2/complainant but incidentally she withdrew her consent and with ulterior motive lodged a false complaint which has got no legs to stand in the eye of law. In view of his above submissions, he prays for quashing of the proceeding.

Mr. Sourav Gangly, learned advocate appearing on behalf of the State submits that as per written complaint there are allegations against the petitioner of assaulting the complainant and also pushing her before running vehicle and further on the basis of prima facie materials charge-sheet has been submitted against the petitioner and hence the present revisional application is liable to be dismissed.

Mr. Pritam Roy, learned advocate appearing on behalf of the complainant also submits in the similar fashion as of the State.

It is found from the statement of complainant as well as

witness that on the date of occurrence, she was assaulted by the petitioner. The investigating agency upon completion of investigation on the basis of primary materials submitted charge-sheet against the petitioner under Sections 341/323/506 of the Indian Penal Code.

In the aforesaid backdrop, the proceeding before the trial court does not call for interference. However, it is made clear that observation made herein above shall not have bearing on the rights and contention of parties before the trial court.

Accordingly, the present revisional application is dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)