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15.09.2022
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 174 of 2022
With
CRAN 1 of 2022

Sri Subhendu Kundu and others
Versus
The State of West Bengal and another

Mr. Ranjan Kali,
Mr. Suraj Bhattacharya,
Ms. Nabanita Dutta.
...for the petitioners.

Ms. Mitul Chakraborty.
...for the opposite party no.2.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom.
...for the State.

The present application relates to Bhaktinagar Police Station Case No.715 of 2022 dated 03.07.2022 under Sections 498A/325/308/376/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

Earlier, by an order dated 9th September, 2022, a report was called for. The report has been sent along with the communication/written declaration by one Smt. Kanak Kundu Roy who has submitted that presently she is staying with her husband and does not want to pursue the case which arose out

of matrimonial discord. The report so submitted be kept with the record.

Letter of complaint includes allegations under Sections 308/376 of the Indian Penal Code. So far as the allegations under Section 308 is concerned, the same has been dealt with in the declaration and, as such, I am of the opinion that the in-laws against whom the FIR was registered do not need to face the wrath of further criminal proceedings. So far as the husband is concerned, there is allegations under Section 376 of the Indian Penal Code, the same is required to be considered by the learned trial court. In view of the changed circumstances which is appearing presently in the records of the case, all further proceedings against the petitioner no.2, namely, Smt. Shipra Kundu, mother-in-law, petitioner no.3, namely, Sri Ashoke Kundu, father-in-law, petitioner no.4, namely, Sri Arabinda Kundu, brother-in-law and the petitioner no.5, namely, Smt. Namita Tarafdar Kundu, sister-in-law and wife of P.W.4 are hereby quashed.

So far as the petitioner no.1 is concerned, the Investigating Officer will check from the materials available as to whether any charge-sheet is required to be filed. In case the charge-sheet is filed, the learned trial court would frame charges and record the deposition of the defacto complainant as a first witness. The petitioner no.1 being the husband will thereafter

be at liberty to approach this Court for challenging the continuation of the further proceedings.

Consequently, CRAN 1 of 2022 along with CRR 174 of 2022 is partly allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)

