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CRR 112 of 2017

**Jayanti Sarkar
Versus
State of West Bengal**

Ms. Sarmila Das. ... for the petitioner.

Mr. Prasun Kumar Dutta. Ld. APP.
Mr. Pravash Bhattacharya,
Mr. Pratick Bose.

.... For the State.

Mr. Pratick Bose, learned advocate appearing on behalf of the State filed a report of Officer-in-Charge Kasba Police Station regarding service of notice upon the opposite party no.2/de-facto complainant.

This revisional application has been preferred challenging the proceeding in connection with Kasba Police Station Case No. 521 of 2014 dated 29.07.2014 under section 498A/323/324/506/509/406/34 of the Indian Penal Code pending before the Court of learned Additional Chief Judicial Magistrate, Alipore.

Ms. Sarmila Das, learned advocate appearing on behalf of the petitioner has submitted that there is nothing incriminating material is revealed from the entire records against the petitioner/mother-in-law.

Mr. Prasun Kumar Dutta learned advocate appearing on behalf of the State has submitted that nothing is found from the Case Diary against the

petitioner.

However, after careful scrutiny of the First Information Report and Case Diary, I find hardly any single incriminating word against the petitioner regarding commission of any offence alleged in the case.

I find nothing incrementing in the statements recorded either under Section 161 of the Code of Criminal Procedure or under Section 164 of the Code of Criminal Procedure. Though factual contents of FIR disclosed *prima facie* cognizable offence against the husband of the de facto complainant but noting against the petitioner.

As the FIR did not disclose even any *prima facie* commission of offence against the petitioner, it would be unjustified to refuse the prayer for quashing otherwise it would result in abuse of process of Court.

Therefore, in the facts and circumstances, the proceeding in connection with Kasba Police Station Case No. 521 of 2014 dated 29.07.2014 under section 498A/323/324/506/509/406/34 of the Indian Penal Code pending before the Court of learned Additional Chief Judicial Magistrate, Alipore stands quashed against the petitioner/ Jayanti Sarkar **only**.

With the aforesaid observation, the revisional application stands disposed of.

Pending application, if there be any, also stands disposed of.

Urgent photostat certified copy of the order, if

applied for, be given to the parties on usual undertakings.

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

(Bibhas Ranjan De, J.)