

IN THE HIGH COURT AT CALCUTTA

(Criminal Revisional Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 460 of 2020

Arpita Ghorai (Panja) & Ors.

Vs

The State of West Bengal & Anr.

For the Petitioners : Mr. Apurba Kumar Datta,
Ms. Sreemoyee Mukherjee.

For the State : Mr. Swapan Banerjee,
Mrs. Debjani Sahu.

For the Opposite Party No. 2 : None.

Heard on : 28.02.2023

Judgment on : 20.04.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of the Complaint Case bearing no. 1426 of 2019 under Sections 323/341/448/354/379/120B of Indian Penal Code pending before the Learned Judicial Magistrate, 7th Court at Asansol.
2. The petitioner's case is that in the year 2015 the petitioner filed a case under Section 125 of the Code of Criminal Procedure claiming maintenance from her husband Subrata Panja who is the son of the complainant of the instant application which was numbered as Misc. Case no. 123 of 2015, now pending before the Learned Judicial Magistrate, 1st Court, Uluberia.
3. In the year 2017 the petitioner lodged a complaint before the Learned Additional Chief Judicial Magistrate, Uluberia under Section 156(3) against her husband and his family members and the Learned Magistrate was pleased to forward the said complaint to the Officer-in-Charge, Shyampur Police Station on the basis of which Shyampur Police Station Case no. 531 of 2017 dated 17.11.2017 under Sections 498A/384/406/506/34 of the Indian Penal Code and 3 & 4 D.P. Act was started.
4. The petitioner also filed an application under Section 12 of the Domestic Violence Act against her husband and in-laws including the complainant

of the instant case which is pending before the Learned Judicial Magistrate, 2nd Court at Uluberia.

5. It is submitted that her husband Subrata Panja filed a case under Section 13 of the Hindu Marriage Act praying for divorce against the petitioner which is pending before the Learned Additional District Judge, 1st Court, Uluberia being Mat Suit no. 83 of 2019
6. The opposite party no. 2 filed a complaint case before the Learned Additional Chief Judicial Magistrate at Asansol against the petitioner, her father, mother, brother and relatives under Sections 323/341/448/354/379/120B of the Indian Penal Code.
7. The complainant alleged therein that she and her son Subrata Panja went to Uluberia Court on 02.09.2019 because the petitioner and her family members informed them to settle the matter in court premises and when they went to Uluberia Court, the petitioner and others used abusive language and threatened. As such the son of the complainant lodged a complaint with the local police station. The complainant found that the petitioner and her family members had stolen all the gifted articles and other articles of the complainant.
8. The Learned Trial Court vide its order dated 05.11.2019 found that there is sufficient ground to proceed further against the petitioner and three others.
9. **Mr. Apurba Kumar Datta, learned counsel for the petitioners** has submitted that from the said complaint it is evident that it does not

disclose any offence committed by the petitioner and other accused persons.

10. It is submitted that this is a counter-blast to the cases lodged by the petitioner against the complainant and her family members.
11. **Mr. Swapan Banerjee, learned counsel for the State** has submitted a report wherein the inspector-in-charge of Shyampur police station has stated:-

“.....The police official of Rupnarayanpur Investigation Center PS- Salanpur had been to quarter no. 187, PO- Hindustan Cables, PS- Salanpur, Dist – Paschim Bardhaman, Pin- 713335 to served copy of petition filed before the Hon’ble High Court Calcutta to Mrs. Sikha Rani Panja W/o Bijoy Krishna Panja at the above noted address and found the said quarter is in abandoned condition.

On local enquiry it is learnt that since from the year 2017 the company styled as Hindustan Cables Limited has announced their closure. All the employees have left their quarters.

On perusal of the petition another corresponding address is found which falls under the jurisdiction of Shyampur Police Station under Howrah Rural Police District. On the basis of our message O/C Shyampur Police Station had been to Village Kalidaha, PS – Shyampur, Dist. Howrah and served the message to Smt. Sikha Rani Panja by taking her signature. But said Sikha Rani Panja has not contacted us, so the copy of revisional application could not be served.

The present whereabouts of Smt. Sikha Rani Panja is as below:-

*Sikha Rani Panja
W/O Bijoy Krishna Panja
Vill+PO – Kalidaha
PS – Shyampur
Dist. – Howrah
Howrah Rural Police District.”*

**Sd/-
I/C Salanpur PS
ADPC**

12. From the materials on record it is evident that the following proceedings are pending between the parties:-

- i. Misc Case 123/2015 under Section 125 Cr. P.C (filed by the petitioner).
- ii. Shyampur P.S. Case No. 531/2017 under Sections 498A/384/406/506/34 IPC (filed by the petitioner).
- iii. An application under Section 12 of the D.V. Act (filed by the petitioner).
- iv. Matrimonial Suit 83/2019, for Divorce under Section 13 of the Hindu Marriage Act (by the husband of the petitioner/son of the opposite party no. 2).
- v. Present case being complaint case no. 1426/2019 under Sections 323/341/448/354/379/120B IPC (by the petitioner's mother in law).

13. The dispute between the parties is a matrimonial dispute between the husband and wife and their families.

14. Considering the said facts and circumstances and the number of cases pending between the parties, this is a fit case to be referred to mediation.

15. Accordingly the trial court is directed to refer the matter /case pending before it, for mediation to the secretary, of the concerned District Legal Services authority to make all endeavour to settle the matter between the parties preferably within three months from the date of this order.

16. **CRR 460 of 2020 is accordingly disposed of.**
17. There will be no order as to costs.
18. All connected Applications stand disposed of.
19. Interim order if any stands vacated.
20. Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.
21. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)