

29.08.2023
Item No.102
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 868 of 2023

In the matter of : **Baliram Sharma & Ors.** ... Petitioners.

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Rajashree Tah ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Md. Anwar Hossain,
Ms. Debjani Sahu ... For the State.

Report dated 29.08.2023 submitted by Mr. Anwar Hossain, learned advocate appearing for the State be kept on record.

Although in the charge-sheet, Section 307 of the Indian Penal Code was incorporated along with Sections 498A/323/509/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, but there is no injury report and as such, the investigating officer has submitted his version that mistakenly Section 307 of the Indian Penal Code was incorporated in the charge-sheet so submitted. The earlier report so submitted encloses the statement of the complainant wherein she stated that there has been mutual divorce and she is not interested in pursuing with the further proceedings arising out of Kotwali Police Station Case No. 39 of 2017 dated 11.07.2017 and the charge-sheet filed therein.

Having regard to the fact that the case arose out of matrimonial discord and there are no ingredients of Section 307 of the Indian Penal Code, I am of the view that further

continuance of the said proceedings in the fitness of circumstances having bearing on the future of two individuals is not required to be continued. Thus, all further proceedings arising out of Kotwali Police Station Case No. 39 of 2017 dated 11.07.2017 including the charge-sheet no. 841/2017 dated 25.10.2017 and the subsequent orders passed pursuant to the charge-sheet being filed in connection with the said case before the jurisdictional court are hereby quashed.

Accordingly, the revisional application being CRR 868 of 2023 is allowed.

Pending connected application, if any, is consequently disposed of.

The Investigating Officer of the case is present in Court. His further appearance before this Court is dispensed with.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)