

CRR 902 of 2011

In the matter of : Prashant Khaitan & Ors.

Mr. N.P. Agarwala
Mr. P. Bose, ... for the State

As usual none is appearing on behalf of the petitioners.

Instead of adjourning the matter *suo moto*, considering the age of the proceeding, I am inclined to dispose of the matter on merit based on materials available with the record.

Briefly stated, the marriage between the petitioner no. 1 and the opposite party no. 2 was solemnized on 07.2.2010 at Bangalore, and the parties to the proceeding have not stayed together since 13.5.2010. The O.P. No. 2 herein, was subjected to torture by her husband both physically and mentally at her matrimonial home. Even she was body shamed by the members of her in-laws' house. She was compelled to leave from her matrimonial home on 13.5.2010. It was further contended that she was allowed to take back all her valuables given to her by her mother at the time of marriage from the locker. But her streedhan articles were not given back to her. She filed a petition of complaint on 09.11.2010 and learned Chief Judicial Magistrate, after taking cognizance was pleased to transfer the petition of complaint to the Court of learned 2nd Judicial Magistrate, Alipore. Learned transferee Court after invoking the provision of Section 200 of Code of Criminal Procedure was pleased to issue process under

Sections 498A / 406 of the Indian Penal Code against the accused persons. True, it is, while making her statement on solemn affirmation, the complainant stated that she was driven out from her matrimonial home on 13.5.2010 and since then she has been staying with her mother. In her petition of complaint she stated that she was compelled to leave her matrimonial home on 13.5.2010. But that contradiction, at this stage, should not be allowed to wipe out the allegation that her streedhan articles were not given to her though she entrusted her mother-in-law with the same. The petition of complaint also contains allegations which cannot be considered to be general and omnibus.

Under such circumstances, I do not consider it just to invoke the provision of Section 482 of Cr.P.C to quash the proceeding as prayed for.

This revisional application merits no consideration and is dismissed, however, without cost.

The stay order, if any, stands vacated. Application, if any, stands disposed of.

Let a copy of this order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)