

Court No. 236

16.02.2023

(AD 26)

(S. Banerjee)

CRR 1116 of 2011

Nirmalya Thakur & Anr.
Versus
State of West Bengal & Anr.

Mr. B. K. Roy
Ms. Sima Biswas

... for the State

None is appearing on behalf of the petitioners.

The matter is pending for nearly 12 years. I do not find any reason to adjourn the matter further that too suo motu. Rather I intend to dispose of the matter on merit based on the materials made available with the record.

This application challenges the criminal proceeding being complaint case no. C/898/10 under Sections 18/18/19/20/21/22 of the Protection of Women from Domestic Violence Act, 2005 pending before the learned Additional Chief Metropolitan Magistrate, Kolkata.

Briefly stating – Smt. Sima Thakur, the opposite party no. 2, depicting herself as legally married wife of Aditya Thakur, a victim of domestic violence, filed an application under Section 12 of the PWDV Act seeking protection order. Learned Additional Chief Metropolitan Magistrate, Kolkata was

pleased to take cognizance of the case being C/898/10. It is contended that the proceeding itself is illegal, improper and erroneous. The opposite party no. 2 has filed the case falsely. She was never subjected to domestic violence.

I have perused the petition of complaint annexed to the petition under consideration and I do not find any reason to throttle the proceeding at this stage by invoking the provision of Section 482 of the Code of Criminal Procedure.

The criminal revision does not merit any consideration and is dismissed, however, without any costs.

Copy of the order-sheet be sent down to the learned trial court with a request to dispose of the matter, if still pending, as expeditiously as practicable.

(Siddhartha Roy Chowdhury, J.)