

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay.

**CRR 641 of 2014
With
CRAN 18 of 2020 (Old No. CRAN 1288/2020)**

**Kartick Kumar Ghosh & Ors.
Vs.
The State of West Bengal & Anr.**

For the petitioners : Mr. Milon Mukherjee, Sr. Adv.
Mr. Biswajit Manna

For the State : Mr. S. G. Mukherjee, Ld. P.P.
Mr. Imran Ali
Ms. Debjani Sahu

For the O.P. No. 2 : Mr. Prasanta Kumar Banerjee

Heard on : 19.12.2022

Judgement on : 23.02.2023

ANANYA BANDYOPADHYAY, J.:

1. The instant revisional application under Section 482 of the Criminal Procedure Code has been filed to quash the proceedings being G.R. Case No. 747 of 2010 arising out of

Serampore P.S. Case No. 197 of 2010 dated 19.07.2010 under Sections 498A/406 of the Indian Penal Code pending before the Court of the learned Judicial Magistrate, 5th Court, Serampore.

2. Supplementary Affidavit dated 17th March, 2020 is filed by the petitioners and the same be treated as part of the original revisional application being CRR 641 of 2014.
3. Heard the submissions of the learned advocates for all the parties.
4. Perused the materials on record wherefrom it transpires that

“The opposite party No. 2 namely Manjira Ghosh, wife of Salil Kumar Ghosh had preferred a suit under Section 13 of the Hindu Marriage Act, 1955 before the learned Additional District Judge, 1st Court Hooghly, praying for a decree of divorce and custody of her minor child namely Aryman Ghosh. The aforesaid suit was registered as Matrimonial suit No. 32 of 2010. The aforesaid suit came up for hearing before the Learned Judge when the Learned Judge was pleased by his judgment dated 31.0.2017 to dissolve the marriage existing between the opposite party No. 2 and the

respondent namely Salil Kumar Ghosh by a Decree of Divorce. The learned Judge was further pleased to direct that the custody of Aryman ghosh, minor child of the parties, will be with the petitioner of the aforesaid suit (Opposite party No. 2 in CRR No. 641 of 2014) until he attains his majority, although the respondent of the suit being Salil Kumar Ghosh will be able to visit the minor child after giving prior intimation to the petitioner.” Petitioner No. 2 Latika Ghosh expired on 14.03.2014.

5. Perused the materials on the case diary wherefrom the allegations against the petitioners appear to be general and omnibus in nature.
6. Mr. Prasanta Banerjee, learned advocate for the opposite party No. 2 conceded to the fact that his client does not have any grievance against the present petitioners.
7. Considering the materials on record the proceedings before the trial court if allowed to continue will not serve any purpose for adjudication apart from unnecessary utilization of court functionaries.

8. Accordingly, the criminal revisional application being CRR 641 of 2014 is allowed.
9. Proceedings being G.R. Case No. 747 of 2010 arising out of Serampore P.S. Case No. 197 of 2010 dated 19.07.2010 under Sections 498A/406 of the Indian Penal Code pending before the Court of the learned Judicial Magistrate, 5th Court, Serampore is accordingly quashed.
10. Connected application i.e. CRAN 18/2020 (Old No. CRAN 1288 of 2020) is also disposed of accordingly.
11. Case diary be returned to the learned advocate for the State.
12. There is no order as to cost.
13. Let the copy of this judgment be sent to the learned trial court as well as the police station concerned for necessary information and compliance.
14. All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

(ANANYA BANDYOPADHYAY, J.)