

14.07.2023

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CRR 1473 of 2010

In the matter of : Amar Bagchi.

.... for the petitioner.

The report filed by the Judge-in-Charge of Nezarath, Civil Court, Kalna stated the opposite party No.2 i.e. Ashoke Adhikary to have expired on 16.10.2012 along with a photocopy of the death certificate. Let the said report be kept on record.

None appears for the parties.

The instant revisional application has been filed for quashing of the proceedings in C.R. Case No. 169 of 2008 pending before the learned Judicial Magistrate at Kalna. The petitioner was married to the daughter of the opposite party No.2 and by virtue of MAT Suit No. 06 of 2006 the petitioner obtained a decree of divorce against the daughter of the opposite party No.2 by judgment dated 28<sup>th</sup> November, 2007.

The petition filed against the petitioner alleged the incident to occur in the year 2005 and the complaint to have been filed in the year 2008. However, the divorce between the petitioner and the daughter of the opposite party No.2 was obtained in 28<sup>th</sup> November, 2007 negating the possibilities of such occurrence as stated in the complaint.

Under such circumstances, the proceedings in C.R. Case No. 169 of 2008 pending before the learned Judicial Magistrate at Kalna is quashed.

Accordingly, the instant revisional application is allowed.

A copy of this order be sent down to the learned trial court for necessary information.

**(Ananya Bandyopadhyay, J.)**