

11.07.2023

Item No.37

Ct.No.34

dc.

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

C.R.R. 2506 of 2022

In the matter of : **Md. Sadik @ Md. Sadik Najor** ... Petitioner.

Mr. Soumyajit Das Mahapatra,
Ms. Manika Sarkar ... For the Petitioner.

Mr. Mahapatra, learned advocate appearing for the petitioner submits that in the present case the lady proposed for 'Talak' and thereafter approached the Court under Section 125 of the Code of Criminal Procedure. Learned advocate submits that there is clear violation of Section 5 of Muslim Women Protection of Divorce and Right Act, 1986.

Having regard to the contentions so advanced regarding the points so canvassed on a wider appreciation whether there is a bar, I am of the opinion that there is no bar. However, the intricacies of the law is expressed to be canvassed. Now such intricacies are based on question of facts. Such question of facts must first be laid down in the form of factual foundation before the learned trial court. The petitioner, as such, is granted liberty to canvass all these points before the learned trial court.

Learned Magistrate would at the relevant stage, consider the issues without being influenced by any of the observations made by this Court. So far as this Court is concerned, at this stage this Court is of the opinion that a case for quashing or termination of maintenance case has not been made out.

With the aforesaid observations, the revisional application being CRR 2506 of 2022 is disposed of.

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

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.)