

IN THE HIGH COURT AT CALCUTTA**Criminal Revisional Jurisdiction****Present: - Hon'ble Mr. Justice Subhendu Samanta.****C.R.R. No. – 2233 of 2018****Sonoyar Mallick & Ors.****Vs.****State of West Bengal & Anr.****For the Petitioners : Mr. Tapan Datta Gupta, Adv.,
Mr. Parvej Anam, Adv.****For the State : Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Imran Ali, Adv.
Mrs. Debjani Sahu, Adv.****For the de facto complainant: Mrs. M. Roy, Adv.****Judgment on : 05.07.2023****Subhendu Samanta, J.**

This is an application u/s 482 of the Code of Criminal Procedure for quashing of a proceeding being GR No. 513 of 2016 arising out of Khanakul Police Station P.S Case No. 99 of 2006 dated 25.11.2006 u/s 498A/306/34 of IPC.

The brief fact of the case is that on the basis of a written complaint of OP 2 on 25.11.2006, a police case was registered by Khanakul Police Station vide Khanakul Police Station Case No. Case No. 99 of 2006 dated 25.11.2006 u/s 498A/306/34

of IPC. The petition of complaint contends inter alia that the complainant's daughter Jahanara Begam aged about 35 years was married with petitioner No. 2 before 9 years ago according to Muslim Rites and Custom. After some years of marriage the complainant's said daughter was being tortured by the petitioners both mentally and physically over the issue of their family matter; on 13.10.2006 night at about 02 hours Jahanara Begam set fire on her person due to torture by the petitioners. She was admitted at Uluberia SD Hospital and from there shifted to nursing home at Jaypur. On 29.10.2006 she was brought back at her husband's house, proper care was not taken. On 25.11.2006 at about 14 hours she was expired. The present petitioner No. 1 is the father-in-law of petitioner No. 2 is the husband and petitioner No. 3 is the mother-in-law of the deceased.

During the continuation of the instant revision petitioner No. 3 died thus the instant revision is abated against her.

The investigation of the police was ended in charge sheet against the all accused persons u/s 498A/306/34 IPC.

Learned Advocate for the petitioner submitted before this court that the FIR as well as the charge framed against the petitioner is false and concocted. The investigating agency without properly investigating the matter filed the charge sheet.

The marriage between the parties was held about 09 years ago. The deceased caught fire on 13.10.2006 and succumbed to his injury on 25.11.2006. During the prolonged treatment no statement of the deceased or no dying declaration was recorded by the police. There are no ingredients of offence punishable u/s 306 IPC in this case. From the each corner of the FIR as well as the charge sheet, it will not appear that at any point of time the deceased instigated by the present petitioner to commit suicide. The sole ingredients of Section 306 IPC is missing here; more over the deceased, the married lady never uttered a single word of her alleged ill treatment or tortured at her matrimonial home. Thus the allegation of abatement of suicide in the FIR as well as the charge framed against the accused persons u/s 498A/306 IPC is baseless and the proceeding is liable to be quashed.

Learned Advocate appearing on behalf of the state submitted before this court that there are several materials in the CD against the present petitioners regarding their involvement in the alleged offence. During the course of investigation the statements available witnesses were collected who stated against the accused persons regarding their involvement in the alleged offence.

Learned Advocate on behalf of the state also argued that there are other prima facie evidences in the CD which cannot be ascertained at the stage. So he prayed for rejection of the revisional application.

The de-facto complainant submitted that the charge sheet was submitted against all the accused persons and the case is posted for trial. At this juncture the quashing is not permissible.

Heard the Learned Advocate perused the materials on record on perusal of the CD it appears that the I.O. has collected several materials accusing all the petitioners to be responsible for the alleged offence. The prima facie ingredients are there in the CD.

In this case the charge has been framed u/s 306 IPC along with Section 498A IPC. It was alleged in the FIR that the married lady was committed suicide under the influence of torture inflicted upon at her matrimonial home. Whether there are any instigation to commit suicide, cannot be ascertained at the stage. I make it clear that this revisional court cannot go into the merit of the evidences collected by the investigating agency. During the course or investigation the prima facie materials in this case are so glaring that can only be explained properly during the trial. LCR reflected trial has already

commenced, thus, it is not proper stage to entertain the petitioners.

Accordingly, I find no materials to entertain the instant criminal revision and it is liable to be dismissed as meritless.

CRR is dismissed.

The connected CRAN applications are also disposed of.

The instant GR case is pending since long. Thus the trial court is directed to dispose of the matter as early as possible more preferably within 06 months from the date of communication of this order.

Returned the CD.

Any order of stay passed during the continuation of the instant criminal revision is hereby vacated.

Parties to act upon the server copy and urgent certified copy of the judgment be received from the concerned Dept. on usual terms and conditions.

(Subhendu Samanta, J.)