

09.01.2023
S/L No.46
KS

**C.R.R. 2591 of 2021
With
IA No. CRAN 1 of 2022
Arindam Dutta & Ors.
-Vs.-
The State of West Bengal & Anr.**

Mr. Kaushik Gupta
Ms. Srimoyee Mukherjee
.....For the Petitioners
Md. Anwar Hossain
Mr. M. F. A. Begg
.....For the State

The present revisional application was preferred challenging the continuance of GR No.291 of 2010 arising out of Bidhannagar (South) Police Station Case No.65 dated 12.05.2010 under Sections 498A of the Indian Penal Code which is pending before the learned A.C.J.M., Bidhannagar, North 24 Parganas. The Investigating Agency on conclusion of investigation submitted their charge-sheet.

Mr. Kaushik Gupta, learned advocate appearing for the petitioners drew attention of this Court to the order passed in MAT Suit No.132 of 2010 wherein it reflects that the Learned A.D.J., 5th Court, Barasat, North 24 Parganas was pleased to observe that the suit is decreed on admission and the marriage between Priyanka Dutta and Arindam Dutta to be declared as null and void from the said date.

Mr. Anwar Hossain, learned advocate appearing for the State submitted a report as also the Case Diary. Report be kept with the record.

I have considered the report and I find that the offence is of the year 2010 and more than 12 years have been passed since institution of the case and the police report repeatedly reflects that the wife is not traceable. There are some documents which were filed which prima facie reflect that the said Arindam Dutta has settled at New Zealand and the lady, Priyanka Dutta has settled at Mumbai. Both of them are leading their lives independently and are not willing to pursue the litigation.

Considering the change of circumstances and the materials which are appearing in this case, I am of the opinion that further continuance of Bidhannagar (South) Police Station Case No.65 dated 12.05.2010 as also the charge-sheet submitted therein before the Learned A.C.J.M., Bidhannagar is unwarranted, as such, the said proceedings are quashed.

Accordingly, C.R.R. 2591 of 2021 is allowed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)