

06.12.2023
Serial no. 2
[G.S.D]

CRR 4482 of 2022
With
CRAN 2 of 2023

In the matter of : Shahnaz Begum & Ors.

... .. Petitioners

Ms. Sreeparna Das
Ms. Minal Palara
Ms. A. Perveen

... for the Petitioners

Ms. Faria Hossain
Mr. Anand Keshari

... for the State

Mr. Keshari, Id. advocate for the State, has produced the case diary.

I have perused the materials available in the case diary so far as the present petitioners are concerned. In spite of service none appears on behalf of the private opposite party no.2.

The records of the case reflect that the marriage was solemnized in the year 2002 and the present case was initiated on or about 8th of November, 2020. The investigating agency on completion of investigation submitted charge-sheet in the year 2021 and relied upon seven witnesses to prove its case. Apart from the statement of the o.p. no.2, the other witnesses who are of some

relevance, so far as the prosecution is concerned, is one Asana Begum.

I have gone through the spirit of the complaint and find that the grievance of the o.p. no.2 is that her husband has married on second occasion the present petitioners namely, Shahnaz Begum, Gulshan Begum and Roshan Begum, happens to be the sister-in-laws of the o.p. no.2. Each of them have been married and are permanent resident of Bihdar.

So far as the present petitioners are concerned, there are complaint, which may be of stray incidents but do not contribute to the alleged offence under Sections 420/406/34 of the IPC read with Sections 3 and 4 of the DP Act.

Ld. advocate appearing for the petitioners relies upon a judgment of *Preeti Gupta & Anr. -vs-State of Jharkhand & Anr. Reported in (2010) 7 SCC 667*.

I have considered the allegations in its totality and primarily I am of the view that the petitioners being close relations have been implicated in connection with the instant case on the basis of certain allegations which are of stray incident.

Having regard to the same, I am of the view that, at this stage, the materials which are available do not warrant

that the petitioners would be asked to face the ordeal of criminal trial.

If, subsequent materials surface, in that case, the Id. trial court would be at liberty to summon the present petitioners. But, for the time being, the charge-sheet so submitted against them and all orders which have been passed subsequently to the filing of charge-sheet before the Id. ACJM, Sealdah in connection with Topsia P.S. Case No. 150 of 2020 dated 8.11.2020 is hereby quashed.

With the aforesaid observations, CRR 4482 of 2022 is allowed.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)