

06.12.2023
Serial no. 3
[G.S.D]

CRR 4483 of 2022
With
CRAN 2 of 2023

In the matter of : Nishat Shafi @ Reshma Begum.
... .. Petitioners

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

... for the Petitioners

Ms. Faria Hossain
Mr. Anand Keshari

... for the State

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

I have considered the materials so collected by the investigating agency. The present petitioner happens to be the second wife and, as such, she has been implicated in connection with Topsia P.S. Case No. 150 of 2020 dated 8.11.2020.

On perusal of the complaint, it reflects that the present petitioner namely, Nishat Shafi happens to be the second wife of Md. Sakil, the husband of the o.p. no.2.

The dispute and differences cropped up because of the relationship between Nishat Shafi and the o.p. no.2 namely, Rozi Khatoon.

So far as the materials which have been collected by the investigating agency which includes the complaint and the statement under section 161 of the Cr.P.C. of the witnesses concerned, I find that primarily the allegation against the present petitioner is because of marriage which took place. The admitted position being that the present petitioner being the second wife of the husband of the o.p. no.2, has been implicated in connection with the instant case and primarily, the charge-sheet has been submitted under section 498A/406/34 of the IPC and sections 3 and 4 of the DP Act, none of the offences complained of do apply against the present petitioner, who has nothing to do with the dowry demand or torture in respect of demand of dowry.

Having considered the materials which are appearing in the case diary so far as the present case is concerned, I am of the view that further continuance of the proceedings against the present petitioner would result in abuse of the process of law.

Accordingly, all further proceedings of Topsia P.S. Case No. 150 of 2020 dated 8.11.2020 including the charge-sheet filed therein before the Id. ACJM, Sealdah, is hereby quashed.

With the aforesaid observations, CRR 4483 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.)