

13.01.2023
SL No. 4
Court No.3
BR

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 7 of 2023

In the matter of : Malay Roy & Ors.

Mr. Arijit Ghosh ... for the petitioners

Mr. Ghosh, learned counsel appearing on behalf of the petitioners submits that the de facto complainant is present. It is submitted that the petitioner no. 1 and the opposite party no. 2 are legally married husband and wife who have decided to dissolve their marital knot and for that they have filed a petition under Section 13(B) before the learned Additional District Judge, Mathabhanga which is pending. As decided petitioner no.1 has paid already a sum of Rs.2,75,000/- and rest Rs.3,00,000/- in total Rs. 5,75,000/- to be paid in course of the day.

Under such circumstances, I consider it expedient to quash the proceeding being G.R. Case No. 71 of 2014 under Section 498A of the Indian Penal Code pending before the learned Judicial Magistrate, Mathabhanga particularly when Smt. Dipanwita Roy has not reserved her right to proceed with any criminal proceeding.

With this observation, the criminal revision is disposed of.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)