

06.01.2023
SL No. 41
Court No.3
SB

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 82 of 2022
CRAN 1 of 2022

In the matter of : Laxmi Gupta & Anr.

Mr. Anirban Banerjee
Mr. Dilip Roy ... for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Ujjal Luksome ... for the State

Mr. Debasish Mukherjee
Ms. S. Basu ... for the O.P. No. 2

The petitioners happen to be the sister-in-law and brother-in-law (elder brother of her husband) of the opposite party no. 2 who set the criminal administration of justice into motion by filing a petition of complaint with the Officer-in-Charge, Women Police Station, Siliguri on 20.02.2022. The police officer having found ingredient of offence cognizable in nature registered in Women P.S. Case No. 24 of 2022 dated 20.02.2022 under Sections 498A/354A/323/506 of the Indian Penal Code.

With the consent of the learned advocates representing the parties the criminal revision is taken up for disposal.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners are resident of Chennai. The opposite party no. 2 happens to be the wife of the younger brother of the petitioner no. 2. They have been falsely implicated in this present case under Sections 498A/354A/323/506 of the Indian Penal Code.

I have perused the case diary produced by the learned counsel representing the State. I find that after investigation police submitted charge

sheet before the learned Trial Court which prima facie support the allegation made by the petitioner / wife. It is further found that since the time of negotiation the petitioner no. 2 expressed his unhappiness and he has been expressing his displeasure in various manner towards the opposite party no. 2. Whether the act on the part of the petitioners would constitute offence within the meaning of Section 498A I.P.C. or not should be left open for consideration of the learned Trial Court. At this stage, I do not consider it expedient to invoke the inherent jurisdiction to quash the proceeding and the petitioner is accordingly dismissed without any order as to costs.

With disposal of the criminal revision application, if any, stands disposed of.

Let the copy of the order be sent down to the learned Trial Court for information.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)