

13.01.2023
SL No. 7
Court No.3
BR

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 313 of 2022

In the matter of : Sri Shantanu Halder & Anr.

Mr. Gobinda Saha
Mr. Tamal Kr. Sen
Mr. Milan Chandra Laskar ... for the petitioners

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Tapan Bhattacharyya
Mr. Aniruddha Biswas ... for the State

Supplementary affidavit is filed by the petitioner demonstrating the fact that marriage between the petitioner no. 1 and opposite party no. 2 was dissolved on 04.8.2014. The proceeding under Section 498A at the behest of the opposite party no. 2 was registered as Jalpaiguri Kotwali P.S. Case No. 288 of 2011 dated 18.04.2011. After investigation police submitted charge sheet but trial is yet to commence. In the meantime father of the petitioner passed away. The parties also moved further in their life. The notice sent to the opposite party no. 2 Smt. Jui Halder was not received. It was refused. I consider it as good service.

Heard the learned counsel representing the State.

Since the marital tie has been dissolved way back in 2014 and the proceeding under Section 498A is pending for more than eleven years without any progress, I consider it expedient to invoke the inherent jurisdiction and to quash the proceeding being G.R. Case No. 1463 of 2011 arising out of Kotwali P.S. Case No. 288 of 2011 dated 18.04.2011 under

Section 498A of Indian Penal Code pending before the learned Judicial Magistrate, 3rd Court, Jalpaiguri.

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.)