

11.07.2024
rc/ct.no.34
Item No.23

CRR No. 61 of 2024

**In the matter of : Moumita Mandal @ Mou Mandal & Ors.
.....Petitioners**

Mr. Shibaji Kumar Das Ms. Deblina De Ms. Sayani Pan	...for the Petitioners
Md. Shamimuddin	...for the O.P.No. 2
Mr. Debasish Roy Mr. Antarikhya Basu	...for the State

Report submitted on behalf of the State is taken on record.

Heard learned counsels for the parties.

The petitioners who are the members of the matrimonial family of the defacto complainant/private opposite party seek quashing of proceeding of G.R.Case No. 1554 of 2015 pending before the learned Judicial Magistrate, 6th Court, Sealdah, South 24-Parganas on the ground that no overt act has been attributed to them in the evidence of the opposite party recorded as PW-1 and the 1st petitioner is not a resident of the matrimonial home of the opposite party and has no nexus whatsoever with the offence alleged.

Learned counsel for the petitioners has referred to the authority in **Kahkashan Kausar alias Sonam & Ors. Vs. State of Bihar & Ors.** reported in **(2022) 6 Supreme Court Cases 599** in support of his submission.

Vehemently opposing the prayer of the petitioners, learned counsel for the private opposite party submits that the evidence of the private opposite party indicates active involvement of the present petitioners along with others in the physical and mental torture of the opposite party in her matrimonial home. The petitioners have also not cared to rebut some of the allegations made by the private opposite party in her examination in chief.

I have considered the material on record. On perusal of the complaint as well as evidence of the private opposite party, prima facie involvement of the petitioners in the alleged offence cannot be ruled out. Though the petitioners have not been named by the opposite party before the doctor, she has explained the said fact in her cross-examination by stating that though she stated the names of all the accused before the doctor, the doctor refused to note down the same due to paucity of space in the report. Trial of the case has commenced and six more witnesses remain to be examined.

Upon consideration of the material available on record, this Court is not inclined to intervene at this mature stage of trial.

Learned Trial Court is directed to dispose of the matter being G.R.Case No. 1554 of 2015 pending before him as expeditiously as possible, preferably within six months from the next date of hearing fixed, without granting any unnecessary adjournment to either of the parties, in accordance with law.

CRR No. 61 of 2024 is dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh,J)