

19.07.2024
rc/ct.no.34
Item No.13

CRR No. 273 of 2024
with
CRAN No. 1 of 2024

In the matter of : Sri Kajal Kumar Nag & Anr.

.....Petitioners

Mr. Anupam Hait

...for the Petitioner

Mr. Debasish Roy

Mr. Arijit Ganguly

Ms. Sreemoyi Roy

..for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears on behalf of the private opposite party despite service.

By consent of the parties, the revisional application is taken up for consideration.

Heard learned counsels for the parties.

The petitioners seek quashing of G.R.Case No. 98 of 2022 under Section 498A of the Indian Penal Code on the ground that they are the married sister-in-law and her husband and do not share the same household with the private opposite party/defacto complainant. Allegations against them are general and omnibus and no material under Section 498A of the Indian Penal Code has been made out against them either in the complaint or during investigation.

Learned counsel for the State produces the Case Diary and opposes the prayer.

It is not in dispute that the petitioners are the married sister-in-law of the private opposite party and her husband and reside separately from the private opposite party. Though charge sheet has been submitted against the petitioners along with others under Section 498A of the Code, the thrust of the allegation is towards the husband and the parents in law of the private opposite party. Allegation against the petitioners is general and omnibus in nature. No specific overt act has been attributed to them either in the complaint or in the charge sheet. No material under Section 498A of the Code has transpired against the petitioners during investigation.

True, jurisdiction under Section 482 of the Code ought to be exercised with extreme care, caution and circumspection and should not be used to stifle or axe down a legitimate prosecution. At the same time when the uncontroverted allegations made in the complaint and evidence collected in support of the same do not disclose commission of any offence or make out a case against the accused, jurisdiction under Section 482 of the Code ought to be exercised in order to relieve the accused from facing the ordeal of a trial and to secure the ends of justice.

In view of the above, this Court is inclined to hold that allowing the proceeding to continue against the petitioners shall be an abuse of the process of law.

CRR No. 273 of 2024 is allowed.

G.R.Case No. 98 of 2022 pending before the learned Additional Chief Judicial Magistrate, Bongaon, South 24-Parganas qua the petitioners be quashed.

However, the proceeding shall continue against the other accused persons.

Case Diary be returned.

The connected application being CRAN No. 1 of 2024 is disposed of accordingly.

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)