

08.01.2024
Item No.143
BR

CRR 380 of 2020

In the matter of : Sourav Nandy

.....petitioner

Ms. Faria Hossain,
Ms. Sayanti Santra
... for the State

Learned counsel appearing on behalf of the State produced the case diary in connection with Maheshtala P.S. Case No. 296/2019 dated 26th May, 2019 under Sections 498A/406/34 of the Indian Penal Code. The status report of the instant case has been filed earlier is in record.

Upon perusal of the case diary as well as the report filed by the State, it appears that investigation has already been culminated by filing charge sheet being Maheshtala P.S. Case No. 364/2019 dated 24.7.2019 under

Sections 498A/406 of IPC against the FIR named accused, namely, Sourav Nandy, petitioner herein and three others and date is fixed for framing of charge on 14.8.2024.

The petitioner Sourav Nandy has filed this application under Section 482 seeking quashing of a complaint case being AC 5241 of 2019 (an application under Section 200 of the Code of Criminal Procedure under Sections 498A/406/323/504/506 and 34 of the Indian Penal Code now pending before the learned Judicial Magistrate, 7th Court, Alipore, South 24-Parganas and in that case a summon was issued against the petitioner. After receiving the same it came to the knowledge of the petitioner that on the selfsame allegation two cases have been filed by the opposite party no. 2/wife. As such, two cases cannot be run together for self-same offence. It would be great oppression and prejudice and further extreme injustice would also be caused to the petitioner, if the proceeding would not be quashed.

Upon perusal of the case diary, it appears that the FIR was lodged before the Maheshtala P.S. prior to the filing of application under Section 200 of the Cr. P. C. on the selfsame allegation at the behest of the opposite party no. 2/wife. In both the cases allegation is mental and physical torture on the demand of dowry. As such petitioner prays for quashing of the said complaint case being AC 5241/2019.

From the above facts and circumstances, it appears both the cases were lodged by the opposite party no. 2/wife on the selfsame allegation and the selfsame cause of action. As such multiple proceeding is an abuse of process of law and to secure the ends of justice. The present case being AC 5241 of 2029 filed under Section 200 of the Code of Criminal Procedure under Sections 498A/406/323/504/506 of the Indian Penal Code is required to be quashed.

Accordingly, the aforesaid proceeding is hereby quashed.

The Criminal Revisional Application filed by the petitioner being **CRR 380 of 2020** is allowed without any order as to costs.

Let a copy of this order be communicated to the learned Court below for information and necessary action.

Urgent xerox certified copy of this order, if applied for be given to the learned advocate for the parties on usual undertakings.

(Ajay Kumar Gupta , J.)