

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 310 of 2016
with
IA No. CRAN 1 of 2017 (CRAN 805 of 2017)
with
CRAN 2 of 2023

Ramdhani Ram & Ors.
Vs.
State of West Bengal & Anr.

Mr. Monish Sen
Ms. Oisani Mukherjee
... For the petitioners

Mr. Arijit Ganguly
Ms. Debjani Sahu
... For the State

1. This revisional application has been filed with a prayer for quashing of the proceeding in connection with Hirapur Police Station Case No.291 dated 21st November, 2014 corresponding to GR Case No. 2862 of 2014 registered under Section 498A/406/323 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

2. This case was initiated on a written complaint lodged by one Nilam Kumari Ram on 21st November, 2014 before the Officer-in-Charge of Hirapur Police Station, Asansol, Paschim Bardhaman alleging, inter alia, that she was married with one Sanjib Kumar Ram and soon after the marriage, both of them started residing in her parental home. It was further alleged that her husband and his family members created pressure upon her for bringing money from her mother, who was a Government employee posted at

Varanasi. She informed her mother who came from Varanasi for knowing the reasons of torture. It was further alleged that prior to filing of complaint, i.e., on 20th November, 2014, her husband along with his brothers came to Chitra where her mother also came there for an understanding. All the accused, including the father-in-law, mother-in-law, brother-in-law and the petitioners came over there and became furious during discussion and used filthy languages and beaten them.

3. On receipt of that complaint, Hirapur Police Station Case No.291 dated 21st November, 2014 was started under Sections 498A/406/323 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

4. Learned advocate appearing on behalf of the State has relied on the evidence collected during investigation, particularly, the statements recorded under Section 161 of the Code of Criminal Procedure. Among them, two are witnesses to a nil seizure.

5. Learned advocate appearing on behalf of the petitioners has submitted that allegations made in the First Information Report (in short, FIR) do not disclose any offence of torture and no specific allegation has been made in the complaint against the petitioners, except Sanjib Kumar Ram, i.e., the accused no.1 in the FIR.

6. In support of his contention, Mr. Monish Sen, learned advocate, appearing on behalf of the petitioners has referred to a judgment passed by a Family Court of Uttar Pradesh and tried to impress this Court that the opposite party no.2 herein filed two

other cases before the Court in Uttar Pradesh and one in West Bengal. He also tried to make this Court impressed that the opposite party no.2 is not at all interested to pursuing this case.

7. On careful perusal of the entire allegation made in the FIR, I find that immediately after marriage, both the opposite party no.2 herein as well as her husband, i.e., Sanjib Kumar Ram started residing in her father's house. That apart, there is allegation of demand of money against the petitioners. I am not agreeable that nothing specific has been mentioned in the written complaint save and except against Sanjib Kumar Ram, i.e., her husband. So far as the incident alleged to have been committed prior to the date of filing FIR is concerned, there is allegation against the petitioners.

8. On careful scrutiny of the FIR, it comes to my notice that the bone of contention is the demand of money and the incident alleged to have been committed prior to the date of filing of the complaint has been substantiated by the evidence recorded during investigation. The incident alleged on 20th November, 2014 connects the allegation of demand of money.

9. Therefore, I am unable to come to any conclusion that the written complaint does not disclose any offence. Though, the learned advocate appearing on behalf of the petitioners has drawn my attention to the judgment passed by the Family Court in Uttar Pradesh, I am unable to exercise jurisdiction under Section 482 of the Code of Criminal Procedure only on the evidence of opposite party no.2 before the Family Court that she was not pursuing this case which is not compoundable.

10. With the aforesaid observation, the revisional application stands dismissed, with liberty to the petitioners to agitate all the issues at the time of trial, including consideration of charges.

11. Connected applications, being IA No. CRAN 1 of 2017 (CRAN 805 of 2017) and CRAN 2 of 2023, also stand disposed of.

12. Interim order, if any, stands vacated.

13. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)