

CRR 897 of 2024

Ruma Begum & anr.
Vs.
The State of West Bengal & anr.

Adv. Antarikhya Basu, Adv. Sayan Mukherjee, Adv. Apurba Kumar Datta,	for the petitioners.
Adv. Syed Shamsul Arefin, Adv. Nadira Abedin,	...for the O.P.2.
Adv. Debasish Roy, Ld. P.P., Adv. Arijit Ganguly,	...for the State.

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

It appears that the principal accused who is the husband of the defacto complainant/private opposite party has expired.

Heard learned counsels for the parties.

The 1st petitioner is a relative of the private opposite party and the 2nd petitioner is the brother of the 1st petitioner.

Learned counsel for the petitioners has drawn the attention of the Court to the definition of ‘relative’ as laid down under Section 498A of the Indian Penal Code. Learned counsel has also placed reliance on the authorities in U. Suvetha vs. State by Inspector of Police & and. reported in (2009) 6 SCC 757 and Monohar Mondal & ors. vs. State of West Bengal & anr. reported in 2024 SCC OnLine Cal 1669 in support of his contention.

Law clearly envisages that the term ‘relative’ defines a status which is conferred either by blood or marriage or adoption. The opening words of Section 498A of the Code says that the alleged offence has to be committed by the husband or the relative of the husband of a woman.

In the case in hand, admittedly the petitioners are distant relatives of the private opposite party who is the wife of the principal accused, since deceased. It is not in dispute that there was a mediation held between the private opposite party and her husband whereby the dispute between them was settled. Unfortunately, the petitioners who cannot by any stretch of imagination, be defined as a relative of the husband of the private opposite party are facing the ordeal of trial for no reason whatsoever despite the fact that the provision of Section 498A is not applicable to them. Also, no *prima facie* case under Section 406/120B of the Code has been made out against them in the F.I.R. or in course of investigation.

In view of the above, this Court is inclined to hold that allowing the proceeding to continue further shall amount to abuse of the process of law. Surprisingly, the trial has proceeded to a considerable extent and the third charge sheeted witness has been examined partly after completion of evidence of the first and second witnesses. There is no reason for allowing further continuance of the proceeding.

Accordingly, the revisional application, being CRR 897 of 2024 is allowed.

Proceedings of G.R. case no. 1462 of 2000 pending before the learned Judicial Magistrate, 1st Court, Howrah be quashed.

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

(Suvra Ghosh, J.)