

01.03.2024

Item No.60
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 912 of 2023

In the matter of : **Rabindra Nath Gope & Anr.** ... Petitioners.

Mr. Subir Banerjee,
Ms. Ruxmini Basu Roy ... For the Petitioners.

The petitioners have prayed for quashing of the proceedings being G.R. Case No. 1973 of 2022 arising out of Raiganj Women Police Station Case No. 125 of 2022 dated 27.07.2022 including the charge-sheet submitted therein under Sections 498A/323/506/109 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

Learned advocate appearing for the petitioners submits that the present petitioners happen to be the in-laws who have been falsely implicated in connection with the instant case. It has been emphasised that there has been no legal marriage between the son of the petitioner no.1 and the opposite party no.2 and as such, the provision of Section 498A of the Indian Penal Code is not attracted. Learned advocate further submits that so far as the present petitioners, the father-in-law and the mother-in-law, are concerned, there are no materials to implicate them and ask them to face the ordeal of trial.

I have considered the charge-sheet along with the FIR and the statement recorded under Section 161 of the Code of Criminal Procedure and I find that in the initial complaint, the opposite party no.2/complainant has alleged regarding the assault being inflicted by the husband and the in-laws.

So far as the Personal Law is concerned that has got no impact in the provisions of the Indian Penal Code. Having regard to the stage at which the petitioners have approached this Court, I grant liberty to the petitioners to canvass all the points at the stage of consideration of charge.

Learned court in seisin of the matter would independently consider the issues at the stage of consideration of charge without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 912 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)