

24.04.2024

Sl. No.: 24

Court No.30
BM

CRR 1152 of 2022

Priti Shaw & Ors.

Vs.

The State of West Bengal & Anr.

Mr. Ivan Roy

... for the petitioners

Mr. Imran Ali

Ms. Rita Datta

... for the State

None

..... for the Opposite Party No.2.

1. The present revisional application has been preferred praying for quashing of the proceeding being G.R No.1709/19 arising out of Bizpur Police Station Case No.145 of 2019 dated 26.03.2019 under Sections 147/323/325/504/506/379/34 of the Indian Penal Code pending before the Court of learned 3rd Judicial Magistrate at Barrackpore.
2. Learned counsel for the State has placed the case diary.
3. In spite of due service there is no representation on behalf of the opposite party no.2/husband of the petitioner no.1.
4. On hearing the learned counsels present and on perusal of the material on record, it appears that the complainant/opposite party no.2 and the petitioner no.1 were married on 12.05.2018 but due to several disputes between the couple, the petitioner no.1 left her matrimonial home on 25.05.2018, i.e. within 13 days of her marriage.

5. The present proceeding was initiated on 26.03.2019 after the attempt for amicable settlement failed.
6. The allegation in the present case against the petitioners is that on the date of incident in this case, the complainant was called to the petitioners' house where he was threatened and abused and mercilessly beaten. Hence, the present case.
7. Learned counsel for the petitioners has filed a certified copy of an order dated 05.05.2022 passed in Matrimonial Suit No.1436 of 2019 wherein an ex-parte decree has been passed in favour of the petitioner no.1 against the complainant/husband herein.
8. On perusal of the materials in the case diary, this court finds that there are no medical papers in the case diary to substantiate the allegation of assault.
9. On careful perusal of the materials on record, this court finds that on investigation no evidence could be found to prima facie substantiate the allegation against any of the petitioners in the present case for the offences alleged.
10. **CRR 1152 of 2022 is accordingly allowed.**
11. The proceeding being G.R No.1709/19 arising out of Bizpur Police Station Case No.145 of 2019 dated 26.03.2019 under Sections 147 /323 /325 /504 /506 /379 /34 of the Indian Penal Code pending before the Court of learned 3rd Judicial Magistrate at Barrackpore, **is hereby quashed in respect of the petitioners.**
12. Pending applications stand disposed of.
13. Interim order, if any, stands vacated.

- 14.** Let a copy of the order be sent to the learned trial court for compliance.
- 15.** Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)