

CRR No. 1155 of 2024

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CRAN 1 of 2024

In the matter of : Shanti Bairagi & Ors..... petitioners.

Mr. A. P. Roy
Syed M. Alam
Mr. Subrata Ghosh
Mr. N. Islam
Mr. P. Biswas ...for the petitioners.

Mr. Bibaswan Bhattacharya
Mr. Karan Bapuli ...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

It appears that notice was served upon the private opposite party/ de facto complainant through Whatsapp since she was not found in her residential accommodation and her sister was present there.

The private opposite party is not represented.

By consent of the parties, the revisional application is taken up for consideration along with the application being CRAN 1 of 2024.

Learned counsel for the petitioners submits that the petitioners are the parents in law and brother in law of the private opposite party and have been falsely implicated. Though there is some allegation against them in the FIR, the charge sheet submitted upon completion of

investigation is bereft of any specific allegation against any of them. The proceeding is required to be quashed qua the petitioners.

Per contra, learned counsel for the State takes this Court to the statement of the private opposite party under Section 164 of the Code of Criminal Procedure which demonstrates torture meted out upon her by the mother in law and brother in law. However, the allegation against the father in law/2nd petitioner is general and omnibus.

The extent and nature of torture inflicted upon the private opposite party by the 1st and 3rd petitioners, being the mother in law and the brother in law shall be adjudicated by the learned Trial Court by way of trial. This Court, in exercising jurisdiction under Section 482 of the Code of Criminal Procedure, cannot deal with the same. However, the FIR or the charge sheet does not reflect any specific allegation against the 2nd petitioner who is the father in law. The allegation made against the 2nd petitioner is general and omnibus and does not constitute an offence under Section 498A/406/354A/323/341 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

In view of the above, this Court is inclined to hold that allowing the proceeding to continue in respect of the 2nd petitioner shall be an abuse of the process of the Court.

The revisional application being CRR 1155 of 2024 is allowed insofar as the 2nd petitioner is concerned.

The proceeding being Special Case No.20 of 2022 pending before the learned Additional Sessions Judge (Special Judge), 2nd Court, Alipore qua the 2nd petitioner be quashed.

It is made clear that the proceedings shall continue in respect of the 1st and 3rd petitioners.

The application being CRAN 1 of 2024 is disposed of.
Case Diary be returned.

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

(Suvra Ghosh, J.)