

25.01.2024

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CRR 1241 of 2011

In the matter of : Ratnadal Banerjee & Ors.
.... petitioners.

None appears for the parties.

The instant criminal revisional application is pending since 2011 and as such, is required to be disposed of.

The instant revisional application has been filed for quashing of the proceeding being B.G.R. No. 1663 of 1989 pending before the learned Judicial Magistrate, South 24 Parganas under Section 498A of the Indian Penal Code arising out of Tiljala Police Station Case No. 101 (6) of 1989 dated 03.06.1989 including the order dated 09.09.1999 for framing of the charge under Section 498A of the Indian Penal Code.

Petitioners contended that the petitioner No. 1 was married to the opposite party No. 2 on 24.04.1985. Owing to certain disagreement between the parties, the opposite party No. 2 refused to resume conjugal life, petitioner No.1 having left the matrimonial home in the month of March, 1986. In the month of April, 1989 the petitioner filed a suit for divorce against the opposite party No.2. On receipt of notice, the opposite party No.2 initiated the instant case being B.G.R. No. 1663 of 1989 as aforesaid. From the cause title of the revisional application it appeared that the opposite party No 2 had been the divorced wife of the petitioner No.1.

Despite service of notice upon the opposite party No. 2, on several occasions she did not appear before the Court. The report of

Inspector-in-Charge, Sonarpur Police Station, Baruipur Police District dated 28.08.2023 stated that the administrative notice issued under the direction of this Court was served upon the opposite party No.2 who had been the divorced wife of the petitioner No.1.

Based on the complaint filed by the opposite party No. 2 the allegations appeared to be general and omnibus in nature and as such the aforesaid proceedings being B.G.R. No. 1663 of 1989 pending before the learned Judicial Magistrate, South 24 Parganas under Section 498A of the Indian Penal Code arising out of Tiljala Police Station Case No. 101 (6) of 1989 dated 03.06.1989 including the order dated 09.09.1999 for framing of the charge under Section 498A of the Indian Penal Code is quashed.

Accordingly, the instant revisional application is allowed.

Copy of the order be sent to the Department as well as trial court for due compliance.

(Ananya Bandyopadhyay, J.)