

16.04.2024
Serial no. 9-11
[G.S.D]

CRR 1387 of 2024

In the Matter of : Mobina Khatun @ Mobina Khatoon & Ors.

With

CRR 1440 of 2024

In the Matter of : Md. Sahid @ Shahid Raza & Ors.

With

CRR 1441 of 2024

In the Matter of: Sadab Banu @ Shadab Bano & Anr.

... .. Petitioners

Mr. Satadru Lahiri	
Mr. S. Shivam	
Mr. V. Prasad	... for the petitioners
Mr. Debasish Roy	
Mr. Arijit Ganguly	
Ms. Sreemoyi Roy	... State
Mr. Kunal Ganguly	
Mr. P. Mukherjee	... for the O.P.

As the subject-matter of the three revisional applications involve Shibpur P.S. Case No. 109 of 2024 dt. 14.3.2024 with similar prayers, the three revisional applications are taken up for analogous hearing.

Report submitted by the State be kept with the record.

The Case Diary has been produced by the Id. Public Prosecutor, appearing on behalf of the State.

The three revisional applications relate to quashing of Shibpur P.S. Case No. 109 of 2024 dt. 14.3.2024 under sections 420/467/468/471/496/120B/506 of the IPC.

The genesis of the case arose out of matrimonial dispute and discord and so far as the theme of the allegations which is the genesis of the case for cheating and forgery is concerned relate to a declaration which has come to the knowledge of the complainant lately in the year 2024.

The fact of the case is that the petitioner/Sadab Banu @ Shadab Bano suppressed her first marriage and before the appropriate authority denying him second marriage which was registered, declared that the same was her first marriage.

Having considered the nature of the allegations and the manner in which the whole of the family has been implicated, I am of the view that although a case has been made out for investigation but the custodial detention of the petitioners may not be warranted in the facts and circumstances of the case until and unless the investigating authority arrives at a finding regarding the truth or falsity of the contents of such allegations.

With the aforesaid directions, all the three revisional applications being **CRR 1387 of 2024, CRR 1440 of 2024 and CRR 1441 of 2024** are **disposed of** with a direction that the investigating authority would continue with the

investigation and submit their report under section 173 of the cr.p.c. without taking any coercive measures so far as the petitioners in the three revisional applications are concerned until and unless the facts which have been stated in the FIR deviate to such an extent that without their custodial detention, the report under section 173 Cr.P.C. cannot be filed.

Pending application, if any, is also disposed of.

Case diary be returned.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)