

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.R. 1320 of 2011

Rahana Parveen & Ors.

-Vs-

The State of West Bengal & Anr.

For the Petitioners : Mr. Abdul Hamid Molla,
Md. Abdul Halim

For the State : Mr. Bidyut Roy,
Ms. Sima Biswas

Heard on : 19.02.2024, 08.03.2024

Judgment on : 20.09.2024

Ananya Bandyopadhyay, J.:-

1. The instant revisional application is filed by the petitioner praying for quashing of the proceedings of G.R. Case No. 785 of 2009, pending before the Court of the Learned Judicial Magistrate, 3rd Court, Purulia arising out of Purulia (Town) Police Station Case No. 107 dated 14.09.2009 under Sections 498A/34 of the Indian Penal Code and the order dated 01.10.2010 and all subsequent orders passed by the Learned Magistrate therein.
2. The petitioner nos. 1 to 4 were the unmarried sisters-in-law, while the petitioner nos. 5 to 8 were the married sisters-in-law of the complainant/opposite party No. 2.

3. An application under Section 156(3) of Criminal Procedure Code was filed by the opposite party no. 2 before the Court of the Learned Chief Judicial Magistrate, Purulia against the petitioners for committing alleged offences punishable under Section 498A/34 of the Indian Penal Code. The Learned Chief Judicial Magistrate, Purulia directed the Officer-in-Charge of Purulia (Town) Police Station to investigate the allegations treating the complaint as First Information Report.

4. The aforesaid complaint precisely narrated as follows:-

- a. The complainant/opposite party no. 2 was the widow of one Gulam Mustafa (since deceased) who was the son of Ahmed Ali (since deceased).
- b. Ahmed Ali Sawdagar was survived by two sons and 10 daughters. One of the sons, Gulam Mustafa (husband of the opposite party no. 2) died on 21.03.2006 and the other son of late Ahmed Ali resided at Old Victoria Building, Taxi Stand, Police Station- Purulia (Town), District- Purulia.
- c. Opposite party no.2, the wife of Gulam Mustafa, resided at her matrimonial home since her marriage in 1993.
- d. The parents-in-law of the opposite party no. 2 had expired and she had a son and a daughter aged 4 years and 13 years respectively.
- e. Sk. Hazi Hossain Sawdagar, the grandfather of Gulam Mustafa (husband of the opposite party no. 2) had gifted 10 kathas of Bastu property within Old Victoria Building, in favour of Gulam

Mustafa and his brother on 23.11.1981 which comprised of rooms etc. including privy, kitchen. Certain rooms were let out to tenants during the lifetime of Gulam Mustafa. The said deed of gift was duly accepted by Gulam Mustafa and after his demise his heirs namely the complainant/opposite party no. 2 and her minor son and daughter became the helpless, grieved owners.

- f. The opposite party no. 2 and her minor children were tortured and humiliated by the accused/petitioners both physically and mentally on flimsy pretexts. The opposite party no. 2 was treated like a domestic help. The opposite party no. 2 was called a witch and threatened her to be expelled from the house confined her in a room.
- g. It was alleged that though one room was provided to the opposite party no. 2 and her children, the accused persons disconnected the electric line on 25.12.2008 and tried to kill the opposite party no. 2 and her children by strangulation and assaulted them mercilessly and ultimately drove them out of the matrimonial home.
- h. Finding no alternative, the opposite party no. 2 sought the help of the members of Bara Basjid situated near State Bank of India, Purulia. The members of the Bara Masjid Committee thereafter requested the in-laws/accused persons not to inflict torture upon the opposite party no. 2 and her children and allow them to reside

at the matrimonial home of the opposite party no. 2. Upon request of the members of the Bara Masjid, opposite party no. 2 and her children were ultimately allowed to stay at her matrimonial home. However, after a few days, the accused persons continued to torture the opposite party no. 2 and her children.

- i. On 29.06.2009 being unable to bear the inhuman torture perpetrated upon her, the opposite party no. 2 requested the accused persons to give her share so that she could live separately within the matrimonial premises but the petitioner nos. 1, 2, 3, 4 and 7 became furious and accused Salma Parveen assaulted the opposite party no. 2 while the petitioner no. 1 namely Rahana Parveen assaulted the opposite party no. 2 and her minor son with broom. It was alleged that Firoja Meharun and Nafisa assaulted the opposite party no. 2 with stick. It was further alleged that accused Salma Parvin ordered the other accused persons to kill the opposite party by sprinkling kerosene on her body and set her on fire. However, the opposite party no. 2 somehow managed to escape from the clutches of the accused persons and bolted herself along with her children in a room. Thereafter the accused persons asked the opposite party no. 2 to go to her paternal home and never to return or else she and her children would be killed.
- j. It was alleged that on 28.07.2009 the opposite party no. 2 on her return from her son's school found the accused persons locked

her room and left the place. The opposite party thereafter lodged a complaint at Purulia (Town) Police Station. The members of the Digudi Muslim 16 Anna Committee advised the opposite party no. 2 to break the lock and enter the room as she had every right over the said room.

- k. It was alleged that after 2 days the accused persons again return to Purulia and tortured the opposite party no. 2 and her children.
 - l. The opposite party no. 2 thereafter lodged a complaint at the office of Superintendent of Police, Purulia and sent the same by registered post on 12.08.2009 therein informing the incidents of torture meted out to her by the accused persons. Prior to that the opposite party no. 2 also lodged a complaint at Purulia (Town) Police Station on 08.08.2009 being Purulia (Town) Police Station General Diary Entry No. 472 of 2009.
 - m. It was further alleged that the accused persons had forcibly snatched away the golden ornaments and other articles which the opposite party no. 2 possessed.
5. After completion of a purported investigation, the Investigating Agency submitted its report in final form vide Charge-sheet No. 124/2009 dated 20.12.2009 under Sections 498A/34 of the Indian Penal Code against the petitioners.

6. Upon receipt of the said charge-sheet, the Learned Magistrate took cognizance of the offence the case to the Court of the Learned Judicial Magistrate, 3rd Court, Purulia for trial and disposal.
7. The Learned Judicial Magistrate, 3rd Court, Purulia, upon perusal of the case records, was pleased by his order dated 01.10.2010 to framed charge under Section 498A of the Indian Penal Code against the petitioners.
8. The petitioners submitted that the instant case had been initiated by the opposite party no. 2 with an ulterior motive to oust the petitioner nos. 1 to 4 from their paternal home as also to harass and humiliate the other petitioners in order to resist and deprive them from claiming any share of their paternal property.
9. Considered the submissions of the Learned Advocate representing the petitioners as well as the Learned Advocate for the State.
10. The Learned Advocate for the State submitted a copy of the case diary along with the relevant documents including the statements recorded under Section 161 of the Code of Criminal Procedure.
11. The dispute between the de facto complainant and the petitioners concerned possession and ownership of a property which was civil in nature. The allegations against the petitioners are exaggerated, general and omnibus in nature and do not constitute a cognizable offence.
12. The dispute between the parties can be amicably settled either through their own initiation or through a Civil Court of competent jurisdiction rather than invoking the criminal jurisdiction to sub-serve the self-interest of opposite

party no.2 in accusing the petitioners with baseless and frivolous allegations which do not require the process of trial before the Trial Court hindering the Court's time and harassment of the petitioners.

13. In view of the above discussions, the proceedings of G.R. Case No. 785 of 2009, pending before the Court of the Learned Judicial Magistrate, 3rd Court, Purulia arising out of Purulia (Town) Police Station Case No. 107 dated 14.09.2009 under Sections 498A/34 of the Indian Penal Code and the order dated 01.10.2010 and all subsequent orders passed by the Learned Magistrate therein are quashed.
14. Under such circumstances, the instant criminal revisional application being CRR 1320 of 2011 is allowed.
15. Accordingly, the criminal revisional application being CRR 1320 of 2011 is disposed of.
16. There is no order as to costs.
17. Let the copy of this judgment be sent to the Learned Trial Court as well the police station concerned for necessary information and compliance.
18. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)