

CRR 2119 of 2022

**Achintya Kumar Halder & Anr.
Vs.
State of West Bengal & Anr.**

Mr. Debarshi Brahma	...for the petitioner
Ms. Debjani Sahu	...for the State

Ms. Debjani Sahu, learned counsel who usually appears before the court on behalf of the State, is hereby appointed as counsel on behalf of the State. The petitioners handed over a copy of the application along with annexure to Ms. Sahu appearing for the State. The matter is taken up for hearing.

This is an application wherein the petitioners have sought for quashing the proceeding being G.R. case no. 3884 of 2020 presently pending before the learned Judicial Magistrate, Baruipur.

It has been contended by the petitioners that the complainant/daughter-in-law had lodged a first information report against her father-in-law and mother-in-law who are petitioners herein. It has been alleged in the complaint that she has faced mental torture by her father-in-law and mother-in-law, which had driven her sometime to make attempt to commit suicide. However, her husband is very much caring and she has not made any allegations against her husband in the first information report.

It has been submitted by the petitioners that after making a perfunctory investigation, police has submitted charge-sheet. The alleged first information report does not disclose any cognizable offence against the present petitioners far from the allegations leveled under Section 498A of the Indian Penal Code. The petitioners further submit that the only material of evidence collected by the Investigating Officers during investigation, are some statements recorded under Section 161 of the Code of Criminal Procedure, though the persons whose statements were recorded, were not present at the time of alleged occurrence. Furthermore, the alleged incident dated 12.7.2020, does not reveal any allegation of torture or harassment upon the defacto-complainant by the accused persons/petitioners. Accordingly, the petitioners have prayed for quashing the said proceeding.

Ms. Sahu, learned counsel for the State submits that the contents of the first information report discloses cognizable offence and after completion of investigation, police has submitted charge sheet and trial has also been commenced and as such, prosecution should get an opportunity to prove the allegations leveled in the first information report and the present proceeding should not be quashed at its threshold.

I have considered the submissions made by both the parties. A copy of trial court's order as placed before me states that by an order dated 13.8.2024, the trial of the case has been deferred for evidence of charge sheeted witness no. 2 who is the husband of the defacto-complainant. It further appears that out of six witnesses, the evidence of witness no. 2 is to be recorded on the next date.

In such view of the matter, when the trial has already been commenced and when the contents of the first information report discloses cognizable offence, the High Court would not be justified in quashing the proceeding at this stage, scuttling a full-fledged trial in which the petitioners herein/accused persons would have a fair opportunity to prove their innocence.

The trial court is directed to expedite the trial of the said proceeding and he is further directed to make every endeavour to conclude the entire proceeding preferably within a period of three months from the next date fixed by the court without granting any unnecessary adjournment to either of the parties.

CRR 2119 of 2022 is accordingly disposed of.

Urgent Photostat certified copy of the order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)