

D/L12
21.05.2024
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C.R.R.1948 of 2023

With

CRAN 1 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Archana Goswami and others

Versus

The State of West Bengal and another

Mr. Manjit Singh

Mr. Biswajit Mal.

...for the petitioners.

Mr. Bitasok Banerjee.

...for the State.

The present revisional application has been preferred challenging the proceedings arising out of Belur Police Station Case No.162 of 2019 dated 22.08.2019 corresponding to G.R. Case No.3953 of 2019 wherein the investigating officer on conclusion of investigation submitted charge-sheet against the present petitioners being the mother-in-law, brother-in-law and the aunt-in-laws being Archana Goswami, Priyam Goswami, Krishna Banerjee and Ila Banerjee respectively.

The peculiarity of the present case is that a case was registered pursuant to the letter of complaint addressed to the Officer-in-Charge, Belur Police Station at the instance of Moumita Dalui Goswami wherein she alleged regarding physical and mental torture being inflicted for further demand of dowry, but surprisingly, she has got no allegations against her husband and her main grievance is that she could not stay at her matrimonial home and, as such, she had to stay separately along with her husband at a different location. The same is substantiated in her

statement under Section 161 of the Code of Criminal Procedure which reflects that she was depressed because of her husband earning paltry sum and for giving birth to two girl child. Her allegation is that she was often teased at her matrimonial home and being unable to tolerate such pressure/torture, she along with her husband started residing at a different location.

I find from the report under Section 173 of Cr.P.C. that there are seven witnesses. The first witness is the complainant herself namely, Moumita Dalui Goswami; CSW 2 Nabin Goswami is the husband of complainant; CSW 3 is Niti Dalui who is an acquaintance; CSW 4 is Mou Das, a friend and acquaintance; CSW 5 Debasis Chakraborty is an acquaintance. Rest of the two witnesses are police officers who were involved in connection with the instant case.

I have taken into account the statement of the witnesses and I find that the complainant had no grievance in respect of her husband, namely, Nabin Goswami, rather the husband has been cited as a witness in a case under Section 498A of the Indian Penal Code. The very genesis of the provisions of Section 498A of the Indian Penal Code is for demand of dowry and further demand of dowry by the husband and the relations of the husband. Both these ingredients are not satisfied in the present case. Prima facie, I am of the view that there was in compatibility between the in-laws and the couple, for which the couple decided to stay separately. The nature of the allegations are such that the same do not call for the petitioners to face ordeal of a criminal trial as the ingredients and

the purposes for which the provisions of Section 498A of the Indian Penal Code was incorporated within the ambit of the Penal Code are not satisfied.

Having regard to the totality of the circumstances and the peculiarity of the case where husband is a cited as a witness under Section 498A of the Indian Penal Code, I am of the view that further continuance so far as the relations are concerned being the present petitioners, namely, Archana Goswami, Priyam Goswami, Krishna Banerjee and Ila Banerjee are unwarranted.

Accordingly, all further proceedings arising out of Belur Police Station Case No.162 of 2019 dated 22.08.2019 corresponding to G.R. Case No.3953 of 2019 including the charge-sheet submitted therein and presently pending before the learned Judicial Magistrate, 1st Court, Howrah is hereby quashed.

Thus, CRR 1948 of 2023 is allowed.

Pending connected application, if any, is consequently disposed of.

Case diary be returned to the learned advocate appearing for the State.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

