

15.01.2024
Item No.24
BR

CRR 2084 of 2015

Sagar Rabidas & Ors.

-vs-

The State of West Bengal and another

Ms Anasuya Sinha

..... for the State

Nobody appears on behalf of the petitioners on call. Even on earlier occasion no one represented the petitioners. No accommodation sought for.

Report submitted by the State is taken on record. Case diary also produced.

This case pertains to year 2015, nature of prayer and to avoid further delay the case record is taken for the purpose of disposal of this case on merit.

Petitioners being the accused persons filed this criminal revisional application under Section 482 of the Criminal Procedure Code seeking quashing of first information report being 219/15 dated 27.05.2015 arising out of

Asansol (S) P.S. Case No. 219/15 under Sections 304B/498A/120B of the Indian Penal Code.

It is the contention of the petitioners that the opposite party no. 2 had lodged a complaint to the police station on 21.11.2013 and on the basis of said complaint a case was registered being Asansol P.S. Case No. 213/13 dated 21.11.2013 followed by GR Case No. 4644 of 2013. In the said case, the accused persons were enlarged on bail and after completion of investigation, charge sheet no. 49/14 dated 28th March, 2014 under Sections 498A/306 of the Indian Penal Code and Section 3/4 Dowry Prohibition Act has been submitted.

It is the further contention of the petitioner that on the selfsame cause of action another complaint was lodged and the said case was registered as FIR being No. 219/15 dated 27.05.2015 under Sections 498A/304B/120B of the Indian Penal Code and same cannot be sustained in the eye of law and the accused persons should not be double jeopardized.

Under such circumstances, the said FIR should be quashed.

Heard learned counsel appearing on behalf of the State and on perusal of the report submitted by the Officer-in-Charge , Asansol Women Police Station ,ADPC it appears that the subsequent FIR lodged vide Asansol P.S. Case No. 219/15 dated 27.05.2015 under Sections 304B/498A/120B IPC has been tagged with the earlier case number that is Asansol Women P.S. Case No. 213/13 dated 21. 11.2013 and after through investigation, a final charge sheet has been submitted against the accused persons under Sections 498A/306 of Indian Penal Code and 3/4 D.P. Act vide Asansol Women P.S. CS No. 49/14 dated 28.03.2014 under Sections 498A/306 of Indian Penal Code and 3/4 D.P. Act.

Under such circumstances, it reveals during investigation the prima facie case has been established against the accused persons under Section 498A/306 of the Indian Penal Code and 3 and 4 of D.P. Act. Furthermore, the ingredients of the alleged offence is also disclosed and substantiated by the witness during investigation while recording their statements under Section 161 of the Cr.PC.

Under such circumstances, this Court does not find any merit in the instant case. Accordingly, the same is dismissed without any order as to costs.

Petitioners /accused persons have any grievances, they may agitate their grievances before the learned trial Court at the time of framing of charge/trial.

Let a copy of this order be communicated to the learned Court below for information.

Urgent xerox certified copy of this order, if applied for, be given to the learned advocate for the parties on usual undertakings.

(Ajay Kumar Gupta, J.)