

27.06.2024

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CRR 3249 of 2023
(CRAN 1 of 2024)

In Re : Surendra Kumar Agarwal & Anr.
... Petitioners.

Mr. Sandip Chakraborty
Mr. Arun Kr. Upaddhay
Mr. Kaustav Das
Mr. Shiven Roy

... For the Petitioners

Imran Ali
Ms. Manisha Sharma

... For the State

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the 2nd opposite party despite service.

The petitioners who are husband and father in law of the private opposite party seek quashing of proceedings of G.R. Case no. 6277/2022 arising out of Belur Police Station case no. 261 of 2022 dated 4th November, 2022 pending before the learned Chief Judicial Magistrate, Howrah on the ground that they have been falsely implicated and there is no ingredient of offences under Sections 498A/506/406/34 of the Indian Penal Code in the complaint.

It appears from the complaint that the 2nd opposite party was married to the first petitioner on 6th July, 2007 and the complaint was lodged on 4th November, 2022. Allegations made in the complaint are general and omnibus in nature and no explanation has been assigned therein as to what prompted the 2nd opposite party to lodge the complaint after such inordinate delay despite her allegation that she was tortured by the petitioners since after one or two months of her marriage. Investigation of the case also reveals that the allegations made in the complaint have not been substantiated.

True, while disposing of an application under Section 482 of the Code of Criminal Procedure seeking quashing of a criminal proceeding, the Court should exercise sufficient caution and circumspection so that a legitimate prosecution is not stifled or axed down by the Court in passing such order. The test is whether the uncontroverted allegations as made out in the complaint *prima facie* establish the case and also whether continuation of such complaint shall amount to abuse of the process of law.

In the present case, no ingredient of offence has been made out under Sections 498A/406/506/34 of the Indian Penal Code against the petitioners in the complaint and continuation of such complaint/proceeding shall amount to abuse of the process of law.

In view of the above, the revisional application being CRR 3249 of 2023 is allowed.

The proceeding of G.R. Case no. 6277/2022 arising out of Belur Police Station Case no. 261 of 2022 dated 4th November, 2022 pending before the learned Chief Judicial Magistrate, Howrah is quashed.

Consequently, CRAN 1 of 2024 is disposed of.

There shall be no order as to costs.

Copy of the order be sent to the learned Chief Judicial Magistrate for information and necessary action.

The petitioners be released at once and discharged from their bail bonds.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)