

August 21, 2024

9 ARDR

CRR 4660 of 2023

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CRAN 1 of 2024

Ramkrishna Munshi @ Ramkrishna Munsi

Vs.

The State of West Bengal & anr.

Adv. Indranuj Dutta,

Adv. Benazir Sk,

...for the petitioner.

Adv. Md. Anwar Hossain,

Adv. M.F.A. Begg,

...for the State.

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

None appears for the private opposite party despite service.

By consent of the parties represented the revisional application is taken up for consideration along with the application being CRAN 1 of 2024.

Heard learned counsels for the parties represented.

The petitioner who is the father in law of the private opposite party seeks quashing of the proceeding being G.R. case no. 6166 of 2020 pending before the learned Additional Chief Judicial Magistrate, 2nd Court, Baruipur, South 24 Parganas on the ground that the thrust of the allegations in the First Information Report as well as the charge sheet is upon the husband and there is no material against him under Sections 498A/406 of the Indian Penal Code.

Learned counsel for the State produces the case diary.

Upon careful scrutiny of the First Information Report and the Case Diary, it appears that the thrust of the allegations is directed against the husband of the private opposite party and

to some extent against the mother in law. The FIR is devoid of any material under Sections 498A/406 of the Code insofar as the petitioner is concerned. Even during investigation, no incriminating evidence has transpired against the petitioner alleging commission of offence under Sections 498A/406 of the Code.

Upon consideration of the entire material available on record, this Court is of the view that no offence has been made out against the petitioner, far less an offence under Sections 498A/ 406 of the Code and allowing the proceeding to continue against the petitioner shall amount to abuse of process of the Court.

Accordingly, the revisional application, being CRR 4660 of 2023 is allowed.

G.R. case no. 6166 of 2020 pending before the learned Additional Chief Judicial Magistrate, 2nd Court, Baruipur, South 24 Parganas qua the petitioner be quashed.

It is made clear that the proceeding shall continue against the other accused persons.

The connected application, being CRAN 1 of 2024 is disposed of.

The petitioner be set at liberty at once and discharged from his bail bond.

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

(Suvra Ghosh, J.)