

11-11-2024
Court No.3
Sl. No. 42
T.Ojha

**In The High Court At Calcutta
Circuit Bench at Jalpaiguri**

CRR/234/2024

**ASHOK KUMAR BIHANI @
ASHOK BIHANI AND ORS
VS
THE STATE OF WEST BENGAL AND ANR**

*Mr. Sudipto Kr. Mazumdar, Sr. Adv.
Mr. Shubhankar Dutta, Adv.
Mr. Somdutta Patra, Adv.*
...for the Petitioners

*Mr. A. S. Chakraborty, Adv.
Mr. Kallol Acharya, Adv.*
...for the State

The instant criminal revision is filed by the in-laws as well as the husband praying for quashing the proceeding being Mathabhanga Police Station Case No. 269 of 2024 dated 1.5.2024 under Sections 498A/325/307/34 read with Sections 3 and 4 of the Dowry Prohibition Act corresponding to G.R. Case no. 633 of 2024 pending before the Learned Additional Chief Judicial Magistrate, Mathabhanga.

The Learned Counsel for the State produced C.D.

The Learned Counsel for the petitioners submitted that the materials on record do not support the allegations brought against the petitioners specially to the in-laws; in fact according to the Learned Counsel for the petitioners the proceeding is not sustainable qua the petitioners.

The Learned Counsel for the respondent/opposite party opposed the application. According to him, sufficient materials are there to sustain charges against the petitioners.

I have perused C.D. There are certain incriminating materials against the husband and to certain extent against the elder brother of the husband. Interestingly, the wife was about to be killed on 23rd March, 2024 as stated by one eye witness but neither is there any injury report nor any written complaint at that time. From the available materials, this Court is not able to find strong incriminating materials inviting implications against all the petitioner. Accordingly, the criminal proceeding against the petitioner nos. 2 and 3 stands quashed. However, there is no quashing of FIR against

the petitioner nos. 1 and 4 considering the incriminating materials available in C.D. The petitioner nos. 1 and 4 are at liberty to raise the issue at the time of consideration of charge. The Trial court shall not be influenced by this order while considering charge against the petitioner nos. 1 and 4.

The application stands disposed of.

C.D. be returned.

A copy of this order be communicated to the ACJM, Mathabhanga.

(SUGATO MAJUMDAR, J.)