

12-11-2024
Court No.3
SL.37
D.Ghosh

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

CRR/280/2024

**PRASANTA KUMAR DHAR AND ANR
VS
THE STATE OF WEST BENGAL AND ANR**

Mr. Nitish Bankar, Adv.

... for the petitioner.

Mr. Sandip Mandal, Adv.

... for the o.p. no.2

Mr. Aditi Shankar Chakraborty, Adv.

Mr. Sourav Ganguly, Adv.

...for the State

The instant application is filed for quashing the F.I.R. being Siliguri Women Police Station Case No.152 of 2023 dated 21. 11. 2023 (corresponding G.R. Case No. 4728 of 2023) U/S. 498A / 406/ 506 and 323 of the Indian Penal Code 1860; read with Sections 3 and 4 of the Dowry Prohibition Act and quashing of the final Charge Sheet bearing no. 175 of 2023 dated 21. 12. 2023.

The petitioners are father-in-law and mother-in-law of the de facto complainant wife.

I have perused the C.D. and heard the learned Counsel for the parties.

Learned Counsel for the petitioners submits that the written complaint is false and frivolous slapping criminal prosecution against father-in-law and mother-in-law who have no role to play in the matrimonial dispute between husband and wife.

Learned Counsel for the de-facto complainant submits that whether the C.D. contains sufficient incriminating materials or not and whether charge could be framed on the basis of available material, may be considered at the time of consideration of charge by the learned Trial Court. There is no scope to quash the persecution originated from the written complaint since materials and allegations are there.

Learned Counsel for the State produced the C.D. and candidly admitted that there is no injury report though Section 323 is added therein.

On perusal of C.D. it appears that no injury report is there. The Investigating Officer only examined the parents of the victim. There are some allegations against husband but the husband is not a party here and so, the allegation should not be considered. However, the allegation against the present parents does not find any support from

the available material so far as Section 323 of the Indian Penal Code, is concerned.

Therefore, the charge U/S. 323 is hereby quashed against father-in-law and mother-in-law being the present petitioners.

So far as the other allegations are concerned, the Learned Trial Court shall consider them at the time of hearing of charge and will pass appropriate order without being influenced by this one.

The instant application stands disposed of. Copy of this Order may be communicated to the Learned Trial Court.

(SUGATO MAJUMDAR, J.)