

State of West Bengal & Anr.

Before: The Hon'ble Justice Apurba Sinha Ray

Judgment On : 23.02.2024

Apurba Sinha Ray, J. :-

2. The learned counsel appearing for the State has raised objection regarding the maintainability of the present revision on the grounds, *inter*

alia, that as the Protection of Women from Domestic Violence Act, 2005 (in short 'DV' Act hereinafter) is a Special Act, the General Act like Code of Criminal Procedure, 1973 will not prevail over it. In other words the provisions of DV Act, 2005 will prevail over the Code of Criminal Procedure in case of conflict. In this regard he has cited judicial decisions reported in **Suresh Nanda Vs. C.B.I** reported at **(2008) 3 SCC 674**.

3. The learned counsel has also drawn the attention of this court to the statement of object and reasons of the DV Act, 2005 which may be quoted as hereunder:-

"3. It is, therefore, proposed to enact a law keeping in view the rights guaranteed under Articles 14, 15 and 21 of the Constitution to provide for a remedy under the civil law which is intended to protect the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society."

4. According to learned counsel the remedies available to an aggrieved person under the Act is only 'civil' in nature, and as it has been specifically mentioned in the statement of objects and reasons, any remedy other than that of civil nature will not be entered while dealing with cases under Protection of Women from Domestic Violence Act, 2005 (the DV Act, 2005 in short hereinafter).

5. The learned counsel appearing for the State, Mr. Chakraborty has submitted that in a proceeding under DV Act, 2005 there is involvement of

private parties only, whereas in a criminal litigation, the State is a party and instead of 'relief', 'punishment' is prescribed. The main purpose of the DV Act would have frustrated/failed if the intention of the legislature were to punish the respondent by treating him as an accused. Under the DV Act the aggrieved person may seek for relief of protection orders, residence orders monetary reliefs, custody orders and compensation orders. According to learned counsel, from Section 12 itself it is quite evident that the remedies which are available to the aggrieved person pertain to the civil remedies of all the aforesaid reliefs and the breach of a protection order or an interim protection order alone is a cognizable and non-bailable offence under Section 31 and 32(1) of the DV Act, 2005.

6. According to the learned counsel of the State, there are cases wherein the Hon'ble Courts opined that an amalgamation of reliefs as aforesaid would not per se destroy the nature and identity of two separate and distinct jurisdictions. It is further contended that there is no whisper of the term 'accused' in the DV Act, 2005. Therefore, the intention of the legislature in this regard was not to give the Act a criminal perspective. There is only one explanation and that is in Section 31 of the Act. It is clearly written that in case of breach of protection or interim order, an offence shall be deemed to have been committed and thus the provisions of Code of Criminal Procedure, 1973 will apply. The term 'imprisonment' and the word 'fine' are first used in this Section, so as to give it a 'criminal' touch. If the civil reliefs are not complied with by the parties then the Magistrate can resort to criminal procedures and measures for protecting the rights of women from

domestic violence in the society. In this regard the case of **Sambhu Prasad Singh Vs. Manjari** reported at **(2012) SCC OnLine Del 1371** has been cited wherein it has been observed that domestic violence per se is not a criminal offence and only when there is a breach of the protection order under Section 18 the same can be tried as a cognizable offence under Section 31 of the DV Act.

7. The Learned counsel has also submitted the case law of **Savita Bhanot Vs. Lt. Col. V.D. Bhanot**, reported at **(2010) SCC OnLine Del 1278** in support of his above contention.

8. The learned counsel has also placed his reliance in the case law of **Gidhuthuri Kesari Kumar & Ors. Vs. State of Telengana & Ors. Manu/AP/0059/2015** in support of his contention that as the remedies are civil in nature and the enquiry under the DV Act is not a trial of a criminal case the quashing of petition under Section 482 of Cr.P.C. on the plea that the petitioners are unnecessarily arrayed as parties is not maintainable. It is only in exceptional cases, like when there is no domestic relationship between the parties, the respondents can seek for quashment of proceedings under Section 482 of Cr.P.C.

9. The learned counsel for the State has submitted the case law of **Kunnapareddy Vs. Kunapareddy Swarna Kumari** reported at **(2016) 11 SCC 774** in support of his contention that the inherent power under Section 482 of the Cr.P.C. does not give authority to annul the proceedings which

are not before a criminal court. The High Court of Kerala holds in **Latha PC Vs. State of Kerala** reported at **LAWS(KER) 2020-9-117**, that the proceeding initiated under Section 12 of the DV Act cannot be quashed under Section 482 of the Code of Criminal Procedure, 1973. In another case law the Hon'ble Kerala High Court holds that a person to whom notice is issued by the Magistrate can contend that the proceeding is not maintainable against him, if the petitioner does not fall under the definition of 'aggrieved person' or the respondent does not come under the definition of 'respondent', or there is no case of domestic violence.

10. In **Dr. P. Pathamanatham and Ors. Vs. Tmt. V. Monica & Anr.** reported at **(2021) 1 LW 213** it has been held that application under Section 12 of the DV Act is not a complaint under Section 190(1)(a) and, therefore, Sections 200 to 204 of Cr.P.C. have no application to a proceeding under the DV Act. The Magistrate cannot treat an application under the DV Act as complaint though it is a complaint case under the Cr.P.C. The Magistrate cannot issue summons under Section 61 of Cr.P.C. to a respondent in a proceeding under the DV Act. The personal appearance of the respondent shall not be ordinarily insisted upon if the parties are effectively represented through a counsel. It is further contended that if the respondent does not appear either in person or through a counsel to answer a notice under Section 13 of the DV Act, the Magistrate may proceed to determine the application ex-parte.

11. The learned counsel has pointed out with the help of the said decision that in a proceeding under DV Act, the examination-in-chief is submitted by filing a written affidavit in that regard, which also shows that the provisions in the DV Act are civil in nature.

12. The learned counsel has contended that at best a petition under Article 227 of the constitution may be maintainable if it is shown that proceedings before the Magistrate suffers from a complete lack of jurisdiction and there is clear jurisdictional error and manifest injustices caused if the power is not exercised in favour of the petitioner. In this regard he has also drawn the attention of the court to the case of **Sanjeev Kumar and Ors. Vs. Sushma Devi** cited in **(2023) Live Law (HP) 48** to contend that there is no provision in the entire DV Act regarding filing of any revisional application against any order passed by the concerned court. Section 29 of the Act deals with an appeal against the order passed by the Magistrate in a proceeding under DV Act.

13. The learned counsel Ms. Suman Sehanabis appearing on behalf of the revisionist has submitted that there are several case laws reported in **(2021) SCC Online Cal 2602 (Chaitanya Singhania & Anr. Vs. Khusboo Singhania)** wherein this court has been pleased to observe that the proceeding under DV Act can be quashed under Section 482 of the Cr.P.C. Moreover in **Ajay Kumar Das vs. The State of Jharkhand** reported at **(2011) 12 SCC 319** the Hon'ble Supreme Court was pleased to observe that the purpose of Section 482 of the Code of Criminal Procedure, 1973 is to

find out the existence of the offence. Power under Section 482 can be exercised to prevent abuse of process of the court to give effect to an order under the court and further to secure the ends of justice. Under the inherent powers, the Hon'ble High Court will see whether the continuation of the criminal proceeding shall cause abuse of the process of the court and whether there would be a defeat in upholding the cause of justice if the proceeding is allowed to be continued. The learned counsel for the revisionist has further contended that at the instance of the wife/opposite party no. 2 being the daughter-in-law of the revisionist no.1 the relevant criminal case under Section 498A IPC was initiated in the year 2021 and in the said proceeding the present revisionist and his wife and others had secured an order from the Hon'ble High court under section 482 of Cr.P.C. and the relevant proceedings against them were quashed. Subsequently the instant application under section 12 of the DV Act, 2005 was initiated against the present revisionist and his other relatives though in an earlier criminal proceeding the relevant FIR was quashed by the Hon'ble High Court. The Learned counsel for the revisionists has further argued that the proceedings under DV Act were initiated long after departure of the opposite party no. 2 from her matrimonial house. This goes to show that the instant proceedings under the Act, 2005 have been initiated in a vindictive manner by abusing the process of court.

14. The opposite party no.2 did not file the proceeding under DV Act, 2005 in a clean hand. The learned counsel for the revisionists has further argued that the proceedings under DV Act, 2005 are unique examples of

amalgamation of civil and criminal procedure. The case law mentioned above as well as the case law reported in **1992 supplementary 1 SCC 335 State of Haryana vs. Bhajan Lal** has supported the view of the revisionists. In the present case, it is found that though the allegation in the case is driving out of the opposite party no.2 (wife) from her matrimonial house was taken place on 22.04.2021, the case under the Protection of Women from Domestic Violence Act, 2005 was filed in the month of May, 2023, after a lapse of more than 2 years and also just after passing of the order on 08.05.2023 quashing the proceedings under Section 498A of the IPC filed by the opposite party no. 2. The act of the opposite party no. 2 is, therefore, manifestly attended with malafide intention, which is maliciously instituted with ulterior motive for wrecking vengeance on the accused with a view to spite them due to private and personal grudges.

15. According to the learned counsel of the revisionists, the case law reported in *Bhajan Lal (supra)* is squarely applicable in the present case.

16. The learned counsel has also cited the case law reported in 2011 AIR SCW 6259 in support of his contention that the alleged incident of occurrence of driving out the opposite party no. 2 herein was taken place on 22.04.2021 and the complaint under the DV Act has been filed in the month of May, 2023, that is, after a lapse of more than two years, hence, the cognizance cannot be taken beyond one year from the date of the alleged incident under Section 468 of the Code of Criminal Procedure.

Court's View

17. Interestingly the point of maintainability was raised from the side of the State and it appears that the opposite party no. 2/ the petitioner/wife who filed the application under DV Act did not turn up in spite of the receipt of notice.

18. The learned counsel for the State has harped on the point that as the proceedings under DV Act, 2005 before the concerned Magistrate are in the nature of civil proceedings, Section 482 of Cr.P.C. is not applicable to such proceedings. He has referred to several case laws which are supportive of such conviction.

19. The learned counsel for the revisionists has, on the other hand, contended that as the FIR and the charge sheet against the present three revisionists have been quashed under Section 482 of Cr.P.C. by the Hon'ble High Court in CRR No.234 of 2022, the opposite party no. 2/wife cannot file a petition under DV Act, 2005 against the revisionists on the self-same allegations. In support of her contention the learned counsel has also submitted several case laws which have already been mentioned hereinabove.

20. Each case has to be judged by its own merits and this is one of the cardinal principles of law. The court has to consider the factual matrix and

texture of each case and to judge the issues without being influenced by the similarities in the factual aspects of different cases.

21. The distinguishing feature of this case is that the opposite party no. 2/ wife initially lodged a complaint under Section 498A of IPC against her husband, parents-in-law and brother-in-law. After submission of charge sheet against the aforesaid accused persons under Section 498A of IPC the parents-in-law and brother-in-law of the opposite party no. 2/wife moved an application under Section 482 of Cr. P.C. praying for quashing the proceedings against them. After considering the submission of the parties and materials on record and the relevant case laws, the Hon'ble High Court by its order dated 08.05.2023 in CRR No. 234 of 2022 was pleased to allow such prayer. Soon after such quashment, the opposite party no. 2 has brought the petition under DV Act, 2005 against the husband and parents-in-law and brother-in-law.

22. Therefore, a question may arise when Hon'ble High Court at Calcutta was pleased to consider the allegations against the concerned persons as depicted in the FIR and charge sheet and was further pleased to quash the entire proceedings against the in-laws of the opposite party no. 2, can subsequent action against the in-laws be taken by the opposite party no. 2/wife on the self-same allegations?. In adjudicating this question it is necessary to look into the allegations contained in the FIR as well as the petition under Section 12 of DV Act, 2005.

23. The contents of the FIR as found in the judgment of the Hon'ble High Court in CRR No. 234 of 2022 may be quoted hereunder:-

“The opposite party no.2 being defacto complainant lodged a written complaint on May 6, 2021 contending that she got married with one Bablu Biswas (who is not the petitioner herein) (emphasis added) on 19th February, 2018. After few days of marriage, said Bablu Biswas being inspired by the petitioners herein inflicted physical and mental torture upon the opposite party no.2, and they put pressure upon the opposite party no.2 demanding more dowry. On refusal to pay additional dowry, the accused persons abused her with filthy languages.

Ultimately, on 20.4.2021 at about 8:00 p.m. said Bablu Biswas in collusion and connivance with the petitioners herein physically assaulted the opposite party no.2 and ultimately had driven her from her matrimonial home. Finding no other alternative, the opposite party no.2 took shelter at the residence of her parents.”

24. The allegation as made out in the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, filed by the opposite party no.2/wife herein is that after marriage, the petitioner (wife) started conjugal life with opposite party no.1 (husband) and the husband along with other family members (revisionists) started naked physical and mental torture upon the petitioner and the opposite party also demanded Rs. 2 lakhs from the petitioner's father. Lastly, the petitioner was driven out from her matrimonial house on 22.04.2021 and finding no other alternative the petitioner was compelled to reside at her father's house. Thereafter the petitioner tried to negotiate the dispute but in vain and finding no other alternative the petitioner lodged a complaint with the Pundibari Police

Station bearing P.S. Case No. 210 of 2021 dated 06.05.2021 under Section 498A of IPC. It is also alleged that the opposite parties /respondents in the said petition in DV Act, 2005 used to torture or used to make physical violence by beating, slapping, biting and shoving upon the petitioner, resulting the petitioner to sustain bodily pain and injury. Moreover, the respondents committed verbal and emotional violence by name calling, insults accusation on character or conduct. Accordingly the petitioner/wife has prayed for necessary order as hereunder:-

“a. Pass protection order under Sec. 18 and/or

b. Pass residence order U/s-19, including the other reliefs mentioned in the sec. 19 of the P.W.D.V. Act, 2005.

c. Pass maintenance order or direct the respondent No. 1 to pay monetary relief U/S 20 a sum of Rs. 20,000/- (Twenty thousand) per month to the petitioner. Be it noted here that a petition U/S 125 Cr.P.C. is pending before the Ld. J.M. 2nd Court, Coochbehar.

d. Pass order prohibiting alienation of assets by the respondents.

e. Pass order for litigation cost of Rs. 10,000/- (ten thousand only) to the petitioner.

f. Pass special order for stop calling/stop harassing over phone or making any attempts to communicate with whatsapp or by Letter, email etc.

g. Pass compensation order of Rs. 15,00,000/- (fifteen lakhs) U/S 22 of the P.W.D.V. Act, 2005.

h. Pass any order or orders as the Hon’ble Court deems fit and proper.

i. Pass any order or orders which the petitioner is entitled to get.”

25. Needless to mention that the Co-ordinate Bench of this Hon'ble Court in dealing with an application under Section 482 Cr.P.C. in CRR No. 234 of 2022 has been pleased to quash the proceeding in GR Case No. 572 of 2021 arising out of Pundibari Police Station bearing P.S. Case No. 210 of 2021 dated 06.05.2021 under Section 498A of IPC so far as the present revisionists are concerned. The reasons for passing the above order may be quoted as hereunder:-

"I have gone through the materials in the record as well as materials available in the case diary.

Case diary reveals that during investigation, police has only recorded statement of three witnesses under Section 161 of the Code of Criminal Procedure and all the three witnesses have stated that they have heard from defacto complainant Piyali Das that the principal accused/husband (who is not the petitioner herein) and the people of matrimonial home (sasurbarir lokjan) created pressure upon her for bringing more dowry and when she refused to bring the same, she was driven out from her matrimonial home. No specific overact has been alleged against the present petitioners. No other incriminating material against present petitioners is appearing in the case diary.

Upon perusal of contents of FIR it only reveals that the allegations against petitioners herein in that they had given ill advice (kuparamarsha) to the husband accused, which also not even specific in the statement recorded under section 161 of the code which describes perpetrators as men of matrimonial home (Sasurbarir lokjan). No distinct or specific role in furtherance of general allegations made against them, which leads to a situation wherefrom it is hardly ascertainable, the exact role played by each accused in furtherance of the offence. The allegations against present petitioners are general and omnibus and the veiled object might be to harass the petitioners herein.

It is well settled that in order to lodge a proper complaint, mere mention of the sections and the

language of the sections is not be all and end of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each accused and the role played by each and every accused in committing of that offence. Present FIR does not disclose specific allegation against each and every petitioner herein in committing of alleged offence except casual reference of their names as "ill adviser" and as such it would not be just to direct them to go through protracted trial procedure. Supreme Court in several instances highlighted that a criminal trial leading to an eventual acquittal also inflicts severe scars upon accused and such exercise must be discouraged.

In kahkashan Kausar @ Sonam and others Vs. State of Bihar and others reported in 2022 SCC Online SC 162, Supreme Court considering series of decisions passed in this context observed as follow:-

18. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analyzing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

26. It is also held by the Hon'ble Court that:-

"considering the facts and circumstances of the case and the materials available in the case diary, it appears that the continuance of present proceeding against the petitioners will be an abuse of process of court and there is hardly any chance of conviction of the present petitioners on the basis of materials collected during investigation.

I therefore, deem it just and legally appropriate to quash the proceeding against the present petitioners.

In view of above, CRR 234 of 2022 is allowed.

The proceeding being G.R. Case No.572 of 2021 arising out of pundibari Police Station Case No.210 of 2021 dated 06.5.2021 under Section 498A of the Indian Penal Code is hereby quashed against the present petitioners only.”

27. After going through the materials on record it appears that the allegations against the present revisionists in the FIR and also in the DV Act are not at all specific. It has been rightly observed by the Hon'ble Co-ordinate Bench in dealing with the previous petition under Section 482 of Cr.P.C. that they are omnibus. So far as the present petition under DV Act is concerned, there is also no specific indication of the overt act committed by each of the revisionists. Therefore, when the Hon'ble Court by its order dated 08.05.2023 has quashed the allegations as contained in the FIR as omnibus and non-specific, a court of law cannot be asked to consider the self-same allegations once again. There is no material on record to show that the opposite party no. 2 (wife) has preferred any appeal against the judgment and order dated 08.05.2023 in connection with CRR No. 234 of 2022. If this Court allows the opposite party no. 2 to proceed with the petition under Section 12 of the DV Act against the present revisionists there would be a serious abuse of process of court and further, it would cause manifest injustices to the revisionists.

28. So far as the applicability of Section 482 of Cr.P.C. is concerned this Court finds that though there is a divergence of opinion amongst the Hon'ble

Courts in our country but a Co-ordinate Bench of this court has very succinctly passed the judgment in **Chaitanya Singhania & Anr. Vs. Khusboo Singhania reported in 2021 SCC OnLine Cal 2602** wherein the Hon'ble Judge has been pleased to record that the DV Act is pre-dominantly a criminal Act. Further be it mentioned that Section 28 of the DV Act speaks of:-

*“ **Procedure** - (1) Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19,20,21,22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).”*

29. Therefore from the above it is transpired that Section 28 of the Act, 2005 has clearly stated that the provisions of Code of Criminal Procedure, 1973 shall govern all proceedings under Section 12, 18, 19, 20, 21, 22 and 23 and also under Section 31 of the Act, 2005. If that be so, the Hon'ble High Court can be approached under Section 482 Cr.P.C. if there is any abuse of process of court or for securing ends of justice etc. in dealing with proceedings under the above sections of the D.V. Act. It is needless to mention that not a Civil Judge but a Judicial Magistrate, First Class has been entrusted to deal with the relevant applications under the Protection of Women from Domestic Violence Act, 2005. Though any of the reliefs under Section 18, 19, 20, 21, 22 of the Act, 2005 can be sought for in any legal proceedings before a Civil Court, Family Court or a Criminal Court under Section 26 of the Act, 2005 but it has been very rightly and pertinently observed in the case of *Chaitanya Singhania & Anr. (supra)* that the Protection of Women from Domestic Violence Act, 2005 is a pre-dominantly

a criminal Act and therefore the concerned persons again prayed for quashing of proceedings initiated under the section mentioned above of the DV Act, under Section 482 of Cr.P.C.

30. In *Bhajan Lal (supra)* it has been laid down the following guidelines:-

“1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.

2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

4. Where the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155 (2) of the Code.

5. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

7. Where a criminal proceeding is manifestly attended with mala fide and/or (where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

31. Another aspect which should not be lost sight off us is the bare provision of Section 482 Cr.P.C. It goes to say as hereunder:-

“482. Saving of inherent powers of High Court.-Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

32. The term ‘court’ referred to in this section invariably means those courts to which the Criminal Procedure Code applies, or the Courts which are governed by the Criminal Procedure Code. Therefore, a combined reading of Section 482 Cr.P.C. and Section 28 of the DV Act, 2005, would be in favour of the interpretation that in cases where there is palpable jurisdictional error, abuse of process of courts, or manifest injustices being caused to the parties, the prayer for quashing the proceedings under DV Act, 2005 can be considered by the High Courts under Section 482 Cr.P.C. as an exceptional measure.

33. Several judicial decisions cited by the Learned State Counsel also point out that in certain exceptional cases, the High Court can exercise power under Section 482 Cr.P.C. for quashing the proceedings under DV Act, 2005.

34. In our case, it appears that FIR under Section 498A of IPC was lodged before the Pundibari Police Station and Pundibari P.S. Case No. 210 of 2021 dated 06.05.2021 under Section 498A of IPC was started and after completion of investigation, charge sheet was submitted on 31.05.2021. The quashing order in CRR No. 234 of 2022 was passed by the Hon'ble High Court at Calcutta (Circuit Bench at Jalpaiguri) on 08.05.2023 and the complaint under the Domestic Violence Act, 2005 was filed on 10.05.2023 being Misc (DV) 51/2023.

35. From the above list of dates it appears that soon after the quashment of the proceeding under Section 482 Cr.P.C., the opposite party no. 2/wife filed the petition under DV Act, 2005 within two days from the date of quashment of the proceeding under Section 482 of the Cr.P.C. in respect of incidents which were allegedly taken place two years back. Therefore the oblique motive or mala fide intention on the part of the Opposite party no. 2 cannot be ruled out.

36. From the relevant petition under the DV Act along with its prayers, it shall be found there is no allegation against the present revisionists that they are trying to commit any of the acts as laid down in Section 18(a) to (g) at the present moment. There is no allegation that the revisionists are trying to alienate any assets of the opposite party no. 2, nor there is any allegation that they are calling/harassing the opposite party no. 2 over phone or whatsapp or by letter, email etc. It is an admitted fact that the opposite party no. 2/wife was not in her matrimonial house. Therefore, in view of the

absence of the specific allegation against each of the present revisionists, allowing the opposite party no. 2 to proceed with DV Act application against the present revisionists would be a serious abuse of process of court and manifest injustices would be caused to the revisionists and, therefore, I hold that the petition under Section 482 Cr.P.C. being CRR No. 232 of 2023 is maintainable in respect of the present revisionists only.

37. No fruitful purpose would be served by keeping the instant Revisional Application pending for final hearing since all the points in connection with instant application have been urged and considered during hearing on the point of maintainability, and as such, after considering all the aspects, I do hereby allow the instant Revisional Application quashing the proceedings initiated by the opposite party No. 2 under DV Act, 2005 against three revisionists only with immediate effect.

38. Urgent certified website copies of this judgment, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(APURBA SINHA RAY, J.)