

IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction  
Appellate Side

Present:  
The Hon'ble Justice Jay Sengupta

**CRR 190 of 2025**

Tasleem Arif  
Vs.  
The State of West Bengal & Anr.

For the Petitioner : Mr. Dayem Mohammad Ansari

For the State : Mr. Arijit Ganguly  
Mr. Mujibar Ali Naskar

For the O.P.2 : Mr. Bellal Shaikh  
Mr. Fazlu Rehman  
Mr. Arun Kr. Singh  
Mr. Protim Chakraborty  
Ms. Raima Ganguly

Heard on : 06.05.2025

Judgment on : 06.05.2025

**Jay Sengupta, J.:**

This is an application for quashing of a proceeding in which a charge has been framed under Section 498A of the Penal Code.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The de facto complainant is the second wife of the petitioner. They got married in 2021. A Child was born to the couple. There were disputes that arose between the private parties. The petitioner decided to give Talaq-e-Ahsan to the said wife. The first Talaq was given on 21.06.2023. Soon, thereafter the petitioner lodged an instant FIR on 09.08.2023. It is quite clear from a plain reading of the First Information Report that the petitioner was aggrieved by the giving of Talaq. But, the FIR was registered under Section 498A of the Code. In fact, the de facto complainant admitted this in a subsequent compliant made by her under the Muslim Women Protection of Rights of Marriage Act, 2009. No *prima facie* case is made out as would be evident from a plain reading of the First Information Report and the charge sheet. Any further continuation of the impugned proceeding shall be an abuse of the process of the Court.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer and submits that a *prima facie* case is clearly made out. Charge has already been framed.

Learned counsel appearing on behalf of the State opposes the prayer, relies on the case diary and submits as follows. In addition to her grievance about pronouncement of Talaq purportedly in an illegal manner, the de facto complainant had clearly mentioned about torture

and dowry demand in her FIR. The petitioner's case is supported by the statements of other witnesses specially the statement of the de facto complainant's mother as available in the case diary.

I have heard the learned counsels for the parties and perused the revision petition and the case diary.

It could be that the de facto complainant was aggrieved primarily with the giving of Talaq and wanted to have an FIR registered. But, that does not take away her allegations made in the FIR about torture meted out by the husband and about the dowry demand.

A perusal of the case diary would show that the statement of the mother, directly, and the statement of a friend, in some way, support the prosecution case. There are clear allegations of torture and dowry demand. As such, a *prima facie* case is made out as would be evident from a plain reading of the First Information Report and the Charge sheet.

The other points taken up by the petitioner are disputed questions of fact, which can best be dealt with by the trial Court. Charge has already been framed.

In view of the above discussions, the application for quashing of the impugned proceeding is dismissed, however, without any order as to costs.

The petitioner shall be at liberty to take up all the points available to him including the ones taken up herein, before the learned Trial Court.

Urgent Photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

**(Jay Sengupta, J.)**

**tbsr/463**