

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

**BEFORE:
THE HON'BLE JUSTICE UDAY KUMAR**

CRR 276 of 2023

**Payel Dutta
-vs-
State of West Bengal & Anr.**

For the Petitioner	: Mr. Sourav Mondal Mr. Arijit Bhuiya Mr. R. Mondal
For the State	: Mr. Imran Ali Mrs. Debjani Sahu
For the Opposite Party No.2	: Mr. Monish Sen Ms. Oisani Mukherjee
Hearing Concluded on	: 23.05.2025
Judgment on	: 13.06.2025

Uday Kumar J.:-

1. This revisional application, filed under the inherent powers of this Court conferred by Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeks to quash the criminal proceedings against the petitioner, Payel Dutta. These proceedings stem from Durgapur Police Station Case No. 343 of 2020, registered on September 15, 2020, under various sections of the Indian Penal Code, 1860 (IPC), including 498A, 323, 406, 354, 307, 467, 471, and 506. The investigation culminated in Charge-Sheet No. 146 of 2021, dated May 31, 2021, specifically implicating the

petitioner under Sections 498A, 323, 406, 354, and 506 IPC. The petitioner contends that she has been falsely implicated and that no *prima facie* case exists against her, warranting this Court's intervention to prevent an abuse of the legal process.

2. The factual basis of this criminal proceeding originates from a written complaint lodged by Tanushri Hembram Mandi (the "Complainant"). She alleged that her marriage to Sagun Mandi, solemnized on October 25, 2016, quickly deteriorated due to demands for substantial dowry by her husband and his parents, Binod Bihari Mandi and Sudha Rani Mandi. When these demands were purportedly not met, she claimed to have endured severe mental and physical torture, including being denied food and confined.
3. Crucially, the complaint introduced the petitioner, Payel Dutta, into this matrimonial dispute by asserting that the complainant's husband maintained an illicit relationship with her. The complainant alleged that Payel Dutta spent considerable time with her husband, an accusation purportedly substantiated by a hotel bill indicating their cohabitation. She further contended that her objections to this relationship exacerbated the torture she experienced. The complainant also characterized her husband as a habitual drinker.
4. The complaint detailed two specific incidents:
 - a) On January 13, 2020, the complainant alleged that her husband, in-laws, and specifically Payel Dutta, visited her parental home. During this visit, they purportedly demanded Rs. 2 lakhs in dowry, subjected the complainant and her family

to verbal and physical abuse, and forcefully obtained the complainant's signature on blank documents.

- b) On July 31, 2020, her husband, in a drunken state and accompanied by other in-laws, allegedly returned to her parental home, abused and assaulted her, leading to her unconsciousness. Following this incident, she was reportedly driven out of her matrimonial home after her father was coerced into signing a statement on stamp paper asserting her voluntary departure.

- 5.** Based on this complaint, Durgapur Police Station Case No. 343 of 2020 was registered. While the initial FIR included grave charges under Sections 307, 467, and 471 IPC, the investigating agency, upon inquiry, found insufficient material to substantiate these more serious allegations and omitted them from the subsequent charge-sheet. The charge-sheet, filed on May 31, 2021, implicated the petitioner under Sections 498A, 323, 406, 354, and 506 IPC.
- 6.** Aggrieved by the ongoing proceedings, the petitioner, Payel Dutta, invoked this Court's revisional jurisdiction. Her primary contentions are that the allegations, even if accepted as true, fail to disclose any discernible offense against her; that the investigation yielded no credible evidence to substantiate her complicity; and that the accusations are inherently improbable, suggesting a malicious intent to implicate her. Fundamentally, she argues that she does not satisfy the statutory requirement of being a "relative of the husband" for Section 498A IPC to apply. Furthermore, she asserts that the complaint and charge-sheet

lack specific overt acts of cruelty, criminal breach of trust, assault, or criminal intimidation attributable to her, rendering the continuation of proceedings an abuse of legal process aimed solely at harassment.

7. Mr. Sourav Mondal, learned advocate for the petitioner, submitted that his client's implication constitutes an abuse of process. He emphasized that the petitioner is a stranger to the complainant's family, lacking any legal relationship with the primary matrimonial parties.
8. Mr. Mondal highlighted that even if the allegations were taken at face value, they do not disclose any specific offense committed by Payel Dutta. He crucially argued that the petitioner does not fall within the statutory definition of a "relative of the husband" for Section 498A IPC, asserting that penal statutes demand strict construction and an alleged mistress clearly falls outside this legal description. He further contended that the allegations under Sections 323, 406, 354, and 506 IPC are vague and lack specific overt acts, relying on generalized terms like "accused persons" without detailing her individual role.
9. Mr. Mondal stressed the absence of any specific allegation of entrustment or misappropriation of 'stridhan' for a Section 406 IPC charge, or distinct actions for assault, outraging modesty, or intimidation. He concluded that continuing the proceedings, despite these legal and factual deficiencies, constitutes a sheer abuse of process, warranting this Court's inherent power to intervene.
10. Conversely, Mr. Monish Sen, learned counsel for the complainant, and Mr. Imran Ali, learned counsel for the State, jointly contended that the allegations and investigation findings establish a *prima facie* case

against all accused, including Payel Dutta, justifying the proceedings' continuation. They submitted that the complainant's statements explicitly implicate the petitioner through her alleged illicit relationship and her presence and participation in the January 13, 2020 incident involving dowry demands, abuse, and assault. The prosecution emphasized that at the revisional stage, the Court's role is not to conduct a mini-trial or weigh evidence, but merely to ascertain if the allegations, on their face, disclose a cognizable offense. They asserted that the complaint, supported by the charge sheet, does indicate cognizable offenses under the specified IPC sections, and that the truthfulness, veracity, and specific roles of each accused can only be definitively ascertained during a full trial. Therefore, they urged that proceedings against Payel Dutta should not be quashed at this preliminary stage.

- 11.** Based on the submissions and record, the paramount question before this Court is:

"Whether the factual allegations and material collected during the investigation, when afforded their highest probative value, establish a prima facie case against Payel Dutta, particularly under Section 498A IPC, thereby justifying the continuation of criminal proceedings against her."

- 12.** In addressing the pivotal question, this Court first delineates the scope of its inherent power under Section 482 Cr.P.C. As authoritatively held by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, AIR 1992 SC 604, this extraordinary power is to be exercised sparingly and

cautiously, *inter alia*, to prevent the abuse of process of any Court or otherwise to secure the ends of justice. The categories outlined in *Bhajan Lal* permit quashing when the allegations, even if taken at face value, do not *prima facie* constitute an offense, or are so inherently improbable that no prudent person could reasonably conclude there is sufficient ground for proceeding.

- 13.** Applying these principles to the specific legal issues concerning the petitioner, Payel Dutta, a precise application of the factual averments becomes necessary.
- 14.** A central charge against the petitioner is under Section 498A IPC, which criminalizes cruelty by the "husband or his relative." Strict construction of penal statutes is mandatory. The complainant's own averments consistently identify Payel Dutta as the alleged illicit partner of the husband, not as a relative by blood, marriage, or adoption. The Hon'ble Supreme Court in *U. Suvetha v. State by Inspector of Police*, (2009) 6 SCC 757, unequivocally held that a 'girlfriend' or a woman in an extramarital relationship does not fall within the ambit of "relative of the husband" for Section 498A IPC. To expand this definition would be an unwarranted judicial overreach, creating an offense unintended by the legislature. Consequently, the very foundation of the Section 498A IPC charge against the petitioner is legally unsustainable and cannot stand.
- 15.** The petitioner also faces charges under Sections 323 (voluntarily causing hurt), 406 (criminal breach of trust), 354 (outraging modesty), and 506 (criminal intimidation) IPC. A careful scrutiny of the complaint and investigation reveals a conspicuous absence of specific allegations

attributing overt acts to Payel Dutta for these charges. The complaint frequently uses generalized terms like "husband and in-laws, including Payel Dutta" or "accused persons," without detailing her individual role, action, or intent in the alleged incidents.

16. For a Section 406 IPC charge, the essential ingredients of entrustment of property and subsequent dishonest misappropriation must be clearly present. The complaint contains no specific averment that 'stridhan' or any other property was entrusted to Payel Dutta, nor does it detail any act of dishonest misappropriation by her. The Hon'ble Supreme Court in *Hira Lal Hari Lal Bhagwati v. CBI, New Delhi*, (2003) 5 SCC 257, emphasized that vague allegations are insufficient for an offence under Section 406 IPC. Similarly, for Sections 323, 354, and 506 IPC, the allegations against the petitioner remain broadly generic. While the complaint mentions physical abuse and intimidation, it fails to specify what physical act Payel Dutta committed, how she outraged the complainant's modesty, or what specific threats she issued. Criminal liability cannot be imputed from mere presence during an incident or from omnibus accusations. The Hon'ble Supreme Court has repeatedly cautioned against the tendency to implicate all family members in matrimonial disputes with general and sweeping allegations without specifying distinct roles, as seen in *Kans Raj v. State of Punjab*, AIR 2000 SC 2324, and *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667. The absence of specific, attributable actions against Payel Dutta renders these charges inherently vague and legally insufficient to establish a *prima facie* case. The fact that the investigating agency itself dropped

more serious charges (Sections 307, 467, 471 IPC) even against the primary accused further suggests a lack of substantive evidence, corroborating the tenuous nature of the accusations against the petitioner.

17. The combined effect of the legal non-applicability of Section 498A IPC to the petitioner and the factual insufficiency and vagueness of the allegations for the other IPC sections is compelling. Allowing criminal proceedings to continue against Payel Dutta in these circumstances would squarely fall within the *Bhajan Lal* guidelines for quashing. It would amount to a clear abuse of the legal process, subjecting the petitioner to an unwarranted criminal trial without a solid foundation in fact or law. This Court's inherent powers under Section 482 Cr.P.C. are precisely designed to prevent such injustice and safeguard innocent parties from malicious or baseless prosecution.

18. For criminal proceedings to justly continue, particularly under Section 498A IPC, the allegations must establish a *prima facie* case and strictly satisfy statutory definitions like "relative of the husband," which explicitly excludes an alleged mistress. Furthermore, general or vague accusations, or mere presence during an incident, without specific overt acts or a clear legal nexus to the alleged offense, are insufficient to warrant prosecution for other IPC sections. In such circumstances, where the accusations are inherently improbable or legally unsustainable, the High Court must exercise its inherent power under Section 482 Cr.P.C. to quash the proceedings, thereby preventing an

abuse of the legal process and protecting innocent parties from unwarranted prosecution.

- 19.** Therefore, based on the *ratio decidendi* elucidated above and a thorough analysis of the facts and legal provisions, this Court concludes that the continuation of criminal proceedings against the petitioner, Payel Dutta, would constitute a clear abuse of the process of law. This decision directly stems from the fundamental legal principles requiring a *prima facie* case based on specific allegations, strict adherence to statutory definitions, and the insufficiency of vague or generalized accusations without attributable overt acts to warrant criminal prosecution.
- 20.** In light of the foregoing analysis, findings, and the application of settled legal principles, the instant Criminal Revision application being No. 276 of 2023, be and the same is allowed in its entirety.
- 21.** Consequently, the First Information Report, Durgapur Police Station Case No. 343 of 2020, dated September 15, 2020, and the subsequent Charge-Sheet No. 146 of 2021, dated May 31, 2021, along with all criminal proceedings initiated or arising therefrom, presently pending before the Learned Judicial Magistrate, 2nd Court, Durgapur, Paschim Burdwan, are hereby quashed.
- 22.** It is further clarified that this order of quashing pertains solely to the petitioner, Payel Dutta, and shall not impede or prejudice the continuation of criminal proceedings against the other co-accused persons, namely Sagun Mandi, Binod Bihari Mandi, and Sudha Rani Mandi. The Learned Judicial Magistrate, 2nd Court, Durgapur, Paschim

Burdwan, is at liberty to proceed with the case against the remaining accused persons strictly in accordance with the law.

23. Interim order or orders, if any, shall stand vacated.

24. The connected applications, if any, filed in conjunction with this revisional application (Criminal Revision Petition No. 276 of 2023), are hereby disposed of.

25. There shall be no order as to costs.

26. Let a copy of this judgment and order be sent to the Learned Judicial Magistrate, 2nd Court, Durgapur, Paschim Burdwan, and to the Officer-in-Charge, Durgapur Police Station, for their immediate information, necessary action, and compliance.

27. The parties shall be entitled to obtain urgent certified photostat copies of this judgment and order upon due compliance with the requisite formalities and payment of prescribed fees.

(Uday Kumar, J.)