

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side**

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 571 of 2016

Smt. Kamala Debnath & Anr.

Versus

The State of West Bengal & Another

WITH

CRR 671 of 2016

Amit Debnath

Versus

The State of West Bengal & Another

For the Petitioners : Mr. Sourav Chatterjee, Sr.Adv.
Mr. Soumya Nag, Adv.
Mr. Mayukh Majumdar, Adv.

For the State : Ms. Debjani Sahu, Adv.

Heard on : 12.09.2025

Judgment on : 24.10.2025

Ajay Kumar Gupta, J:

1. Petitioner Nos. 1 and 2 are the mother-in-law and father-in-law of the opposite party no. 2 of CRR No. 571 of 2016, and Petitioner in CRR No. 671 of 2016 is the husband of the opposite party no. 2.
2. The Petitioners have filed these two Criminal Revisional applications respectively under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') seeking for quashing of the proceeding being G.R. Case No. 4524 of 2013 arising out of Barrackpore Police Station Case No. 133/2013 dated 13.09.2013 under Sections 498A/506/406/34 of Indian Penal Code, 1860 and under Sections 3/4 of the Dowry Prohibition Act pending before the Learned Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas and all orders passed therein including the order dated 23.11.2015 thereby rejected the prayer for discharge made by the Petitioners.

FACTS OF THE CASE

3. The factual matrix, giving rise to the present Criminal Revisional applications, are as follows:-
 - a. The complainant/opposite party No. 2 got married to Amit Debnath on 02.12.2010 as per Hindu Rites and Customs and was registered on 05.07.2010. She lodged a written complaint before the Officer-in-Charge, Titagarh Police Station, against her husband and in-laws, alleging that since after marriage, she was subjected to

torture, both mentally and physically, by her husband and in-laws. The accused persons abused her in filthy language, and when she raised an objection, they assaulted her and drove her out of her matrimonial house. Pursuant thereto, a Titagarh Police Station Case No. 413 of 2011 dated 08.08.2011 under Sections 498A/406 of the Indian Penal Code was started against the petitioners.

- b.** She has further lodged another written complaint by sending the same by speed post before the Inspector-in-charge, Barrackpore Police Station. The same was registered as a specific case being Barrackpore Police Station Case No.133 of 2013 dated 13.09.2013 under Sections 498A/506/34 of the India Penal Code and under Sections 3/4 of the Dowry Prohibition Act against the Petitioners.
- c.** She has also filed an application under section 156(3) of the Cr.P.C. before the Learned Additional Chief Judicial Magistrate, Barrackpore, North 24- Parganas, against the husband and in-laws on 16.09.2013. The Learned Magistrate, *inter alia*, directed the Inspector-in-charge, Barrackpore Police Station, to treat such application as the First Information Report. Accordingly, another criminal case was registered being Barrackpore Police Station Case No. 136 of 2013 dated 18.09.2013 under Sections 498A/406/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act against the petitioners.

- d.** The investigating officer of Barrackpore Police Station case no. 136 of 2013 had made a prayer before the Learned Magistrate on 19.09.2013 for tagging with Barrackpore Police Station Case No. 133 of 2013 dated 13.09.2013, as on the self-same allegations, this case was already registered against the petitioners. Upon hearing, the Learned Magistrate directed Barrackpore Police Station Case No. 136 of 2013 to be tagged with Barrackpore Police Station Case No. 133 of 2013 dated 13.09.2013 for proper and effective investigation.
- e.** In the meantime, the investigating agency of the 1st FIR being Titagarh Police Station Case No. 413/2011 dated 08.08.2011 under Sections 498A/406 of the Indian Penal Code, submitted final report in the form of FRT. The said final report was based on an affidavit submitted by the opposite party no. 2, Payel Debnath on 09.09.2011 before the Learned Additional Chief Judicial Magistrate, Barrackpore, North 24- Parganas, stating therein that due to inadvertence and misunderstanding, she lodged the aforesaid complaint against her husband, mother-in-law and father-in-law. She admitted there was no allegation against the petitioners in any manner, as there were no disputes and differences amongst themselves.

- f.** Finally, the Learned Magistrate accepted the final report filed in connection with Titagarh Police Station Case No. 413/2011 dated 08.08.2011 under Sections 498A/406 of the Indian Penal Code and dropped the case in pursuance of no objection given by the complainant/opposite party no.2.
- g.** Even though there were no disputes and differences between the parties as admitted by the Opposite parties and the 1st FIR having been dropped by the Learned Court, the investigation agency submitted a charge sheet being Charge sheet No. 140/2013 dated 30.10.2013 under Sections 498A/506/406/34 of Indian Penal Code, 1860 and under Sections 3/4 of the Dowry Prohibition Act in the Barrackpur P.S. case no. 133 dated 13.09.2013 against all the petitioners herein mechanically, though they are totally innocent.
- h.** The Learned Magistrate, ignoring the factual aspect of the petitioners' case and also that the earlier case was dropped, took cognizance on 21.11.2013 mechanically on the subsequent charge sheet submitted by the investigating officer and transferred the same to the learned court of the Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas for its disposal, though the case is a sureshot that the subsequent complaint on the self-same matter ought not be allowed to continue.

- i. Considering the actual facts of the case, the petitioner, Amit Debnath and his parents preferred an application praying for discharge from the case as the complainant herself admitted before the Learned Magistrate earlier that there were no disputes and differences amongst the parties. So, the question of filing a charge sheet and taking cognizance thereof, despite the aforesaid facts, is not at all permissible in law. However, the Learned Magistrate rejected the said application erroneously and fixed the next date for consideration of charge.
- j. Petitioners, feeling aggrieved, preferred these Revisional applications praying for quashing of the proceedings to prevent the abuse of process of law. The petitioners alleged that the allegations, whatsoever, levelled in the 2nd written complaint against them, are out and out false. Hence, these applications are for quashing of the proceedings.

SUBMISSION ON BEHALF OF THE PETITIONERS:

4. Learned counsel appearing on behalf of the petitioners vehemently argued and submitted that the opposite party no. 2 has falsely implicated the petitioners without disclosing the essential ingredients as required to establish an offence under Section 498A of the IPC, and further, that the allegations levelled against the present

petitioners are general and vague and have failed to attribute any specific role of the petitioners with regard to the allegations of cruelty.

- 5.** It was further submitted that during investigation, no substantial evidence was collected against the present petitioners to implicate them for an offence punishable under Section 498A of the IPC. In the absence of such substantial evidence, the accusations of the complainant were apparently found to be concocted, fabricated and with mala fide intentions, only to harass the petitioners, even though they are in no way involved in the offence as alleged. Therefore, allowing such a proceeding to be continued in the absence of any substantial evidence against the present petitioners would tantamount to abuse of process of law; and for securing the ends of justice, the proceeding may be quashed; otherwise, the petitioners would be highly prejudiced.
- 6.** It was further submitted that repeatedly setting the criminal law into motion, on the substantial allegation of the same matrimonial discord and/or continuing Matrimonial disputes, is impermissible in law. Once an FIR has been registered, investigated into and closed, based on the averments of the de-facto complainant, supported by an affidavit, it is not open to the same de-facto complainant to revive or allow to continue the very same allegations by lodging fresh proceedings on identical and /or purportedly continuing cause of

action, more so where the 1st FIR has been dropped and closed vide court's order in the year 2013. Therefore, subsequently, on the self-same allegations, how can the second proceedings be allowed to continue? It would be highly prejudicing the petitioners and, thus, the same is liable to be quashed to prevent the ends of justice.

7. Learned counsel has placed reliance on judgments as under: -

i. Amitbhai Anilchandra Shah v CBI¹ particularly paragraphs nos.35, 58.3 to 58.5, 58.9 and 60 thereof;

ii. Haji Iqbal alias Bala versus State of Uttar Pradesh & Ors² particularly paragraph no.15 thereof.

8. Learned counsel has further placed reliance on the following judgments to support his contention that the proceedings should be quashed if vague, general and omnibus allegations are made for roping all the family members without any fault.

iii. Achin Gupta v. State of Haryana³ particularly paragraph nos. 24, 30,31 and 32.

iv. Dara Lakshmi Narayana v. State of Telangana⁴ particularly paragraph Nos. 20, 21, 23, 24, 25 and 30 thereof.

SUBMISSION ON BEHALF OF THE OPPOSITE PARTY NO. 2:

¹ (2013) 6 SCC 348

² 2023 SCC online SC 946

³ (2025) 3 SCC 756

⁴ (2025) 3 SCC 735

9. None appears on behalf of the opposite party no.2 despite service of notice.

SUBMISSION ON BEHALF OF THE STATE:

10. Learned counsel appearing on behalf of the State produced the case diary and further submitted that the second FIR was lodged on separate incidents. During the investigation, statements of the witnesses were recorded under Section 161 of the Cr.P.C., and the Section 161 statements reveal that there is sufficient material against the present petitioners. Accordingly, the Revisional applications are liable to be dismissed.

DISCUSSION AND FINDINGS BY THIS COURT:

11. Considering the arguments and submissions made by the parties and upon perusal of the materials available in the case diary and documents annexed with the Revisional applications, this Court finds that it is an admitted fact that the 1st FIR being Titagarh Police Station Case No. 413 of 2011 dated 08.08.2011 under Sections 498A/406 of the Indian Penal Code was started in connection with the incidents prior to 2011 and, subsequently, when the matter was settled between the parties the said case was ultimately closed by the Learned Magistrate on the basis of affidavit filed by the de-facto complainant. Now, the question that arises is, when she filed the affidavit disclosing that there were no disputes and differences

amongst the parties and she has no grievances against the petitioners, can the 2nd FIR, being Barrackpore Police Station Case No.133 of 2013 dated 13.09.2013 under Sections 498A/506/34 of the India Penal Code and under Sections 3/4 of the Dowry Prohibition Act, on the self-same allegation be sustainable?

- 12.** The allegations of the opposite party no. 2 in the 2nd written complaint are as under:-

“1. That my marriage was solemnised, according to Hindu, Rites with Sri Amit Debnath, Son of Sri Amal Chandra Debnath at 315/1, Binod Bihari Ghosh Road, Manirampur, Post office and Police station Barrackpore, District North 24- Parganas, Kolkata-700 120 on 2.12.2010 in presence of relatives, well wishers and common friends and out marriage registered on 5.7.2010, that after said marriage I lived as a husband and wife with my husband as my matrimonial home.

2. That after ten days of the said marriage, I saw some unnatural behaviour of my husband and his parents too towards me. They did not take care in proper manner with me when I was feeling ill, they did not give medicine and did not give good in proper time and always demand more dowry i.e. Rs. 1,00,000/- and other valuable article to my parents and when I protest they started physical and mental torture. On 4th and 5th August, 2011 my husband started physical torture and threatened with dire consequence to kill me and abuses filthy languages.

3. That two days I have suffered very miserable condition in my life. Then my parents came to my house and requested them to solve the matter amicably to lead a happy peaceful marital life with them. But, all efforts went in vain and they driven out me from my matrimonial home. But at least finding no other alternative I compelled to file written complaint against the said persons at Titagarh Police Station, on 08.08.2011 under Sections 498A/406 of IPC vide Titagarh Police Station Case No. 413 dated 08.08.2011. But when they knew the said fact then and there they rushed to my parental house and prayed to me for withdrew the case and they also promised me that they never tortured me and I lived in m matrimonial house as a Hindu wife deserves.

At last I withdrew the case and went to my matrimonial home and lived with them. But after few days have elapsed, I realised one new drama as performed by my husband and his parents towards me. My husband totally changed his view and he expressed his original cruel character in front of me. My father-in-law and mother-in-law also express their cruel character. They again started physical and mental torture upon me for demand more money and more articles.

In the meantime, I became pregnant. When they heard the news about my pregnancy, my mother-in-law and my husband forcefully tried for abortion, but I strongly protested. Then my mother-in-law mixed a medicine namely Risperidon Oral Solution to my food for my miscarriage. But when I realised this matter I totally avoided to eat food which my mother-in-law gave me. The mental and physical torture were increased upon me. My father-in-law as a drunken condition

and to abuse filthy languages. My mother-in-law also abused the filthy languages. One day, my husband said that “JODI TUMI EI BACHHA NASTO NA KORO TAHOLE AMI TOMAKE MERE FELBO” and forced me to sign some blank white papers for gaining their evil motive. Then they started various type of inhuman physical torture upon me and on 3rd February, 2013 they driven out me from my matrimonial home only wearing clothes. They also attack to my parental home where I presently stayed. On 12th April, 2013 I gave birth one male child at Matri Sadan Hospital, Barrackpore. But, as my husband and his parents did not visit to maintain courtesy towards my child and all expenses borne by my father. On 28.08.2013, my husband came to my parental house to see the child. But, when he saw the child he became more furious and threatened me with dire consequences even to kill my child and me also als blackmailed me if I would go to any Police Station and lodged any complaint against them, he shall spread out my picture by way of misrepresenting another picture of a nude woman through internet. Now he tries to escape from India to Australia.

Under the aforesaid the facts and circumstances, I fervently request you that I am a helpless lady with my newly born baby and always feel anxiety with fear that my husband would kill me along with my son at any moment. I will highly obliged, if you kindly look after this matter and to protect me the lawful protection of my parents and brother and to take necessary legal action against my husband and his parents”.

- 13.** From a perusal of the written complaint, it appears that the complainant admitted to having withdrawn her earlier case and

returning to her matrimonial home, where she resided for some time. However, after a few days, she alleged that her husband and in-laws resumed their cruel behaviour towards her. She claimed that her husband revealed his “true character” and, along with her in-laws, subjected her to physical and mental torture for further demands of money and articles.

- 14.** A careful reading of the complaint, however, shows that no specific date, time, or manner of such alleged torture has been mentioned. Though she made a general allegation regarding demand for money and articles, neither the amount nor the nature of such articles has been specified. She further alleged that on 03.02.2013, the accused persons drove her out of her matrimonial home wearing only her clothes and subsequently attacked her at her parental home, but even this allegation lacks any definite date or particulars regarding the alleged assault at her parental home.
- 15.** Upon perusal of the statements recorded under Section 161 of the Cr.P.C., it appears that the allegations of assault against the petitioners are vague, uncorroborated, and seemingly intended to falsely implicate them.
- 16.** The FIR and the statements recorded under Section 161 of Cr.P.C. during investigation, reveal that the allegations are general, omnibus and lacking in particulars. No details have been given with regard to

the mode and manner of either mental or physical torture by the Petitioners. In such a situation, a person cannot be permitted to face the trial. The Hon'ble Supreme Court, time and again, reiterated that the proceedings against any accused should not be allowed to continue unless and until there is a specific allegation against the accused with specific details

17. When there is no specific role attributed or allegation levelled against the particular accused and no details regarding date, time, and manner of such physical assault have been mentioned, then such a proceeding should be nipped in the bud; otherwise, the accused would be greatly prejudiced. Continuation of such criminal proceedings would put the accused to great oppression and prejudice.
18. It would be apposite to refer to a recent decision of the Hon'ble Supreme Court in ***Dara Lakshmi Narayana (Supra)***, where the Hon'ble Supreme Court specifically dealt with the case involving an offence under Section 498A of IPC and whether the same are attracted to vague allegations raised by the complainant/opposite party no. 2/wife and finally observed as follows in paragraph nos. 27 and 30 as under: -

“27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of

judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke

Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.”

19. This Court is conscious of the settled legal position that the FIR is not expected to be an encyclopaedia which indicates each and every minute details. However, during investigation, allegations should be corroborated by substantial evidence. The FIR reveals that the allegations made by the complainant are that the complainant got married to Amit Debnath according to Hindu Rites and Customs. Ever since the wedding, she was subjected to torture, both mentally and physically by her in-laws. The accused persons abused her in filthy language, and when she raised objections, they assaulted her and drove her away from her matrimonial house. Such allegations have been made against all the petitioners in a single averment. No specific role was attributed to the petitioners with regard to the allegations or incident of physical and mental cruelty. No date, time, or manner of inflicting such torture, have been mentioned. Mere vague, omnibus and bald allegations have been made against the present petitioners with regard to physical and mental torture, therefore, it does not constitute offence punishable under Section 498A of the Indian Penal Code. So, it indicates that whatever

allegations have been made in the FIR appear to be vague and omnibus, only to harass the petitioners for her illegal purpose, which led to this proceeding initiated against the present petitioners, and is only for harassing them with an ulterior motive. Therefore, this Court holds that the continuation of the criminal proceeding against the petitioners in CRR No. 571 of 2016 would result in an abuse of process of law.

- 20.** Upon perusal of the statements recorded under Section 161 of Cr.P.C., this Court finds that there were no specific allegations mentioned or role assigned by the witnesses in respect of the incident of physical torture against the present petitioners. None of the witnesses stated the reasons for her torture, either physically or mentally, after her wedding. None of the witnesses has mentioned any specific demand for dowry, either. No medical documents were collected regarding the allegation of trying to abort her pregnancy by the accused.
- 21.** After careful scrutiny of the materials available in the case diary, this Court does not find any sufficient or cogent evidence against the parents-in-law, particularly the petitioners in CRR No. 571 of 2016. Even if, for the sake of argument, these proceedings were to be continued, the conviction of the petitioners appear bleak and remote. To secure the ends of justice, the proceedings are deserved to be

quashed under the inherent power granted under Section 482 of the CrPC insofar as the petitioners are concerned.

- 22.** As regards the petitioner/husband, there are specific allegations that on 28.08.2013 he visited the complainant's parental home to see their child. However, upon seeing the child, he allegedly became furious and threatened the complainant with dire consequences, including killing her and the child. It is further alleged that he blackmailed her, stating that if she approached the police, he would circulate her morphed obscene photographs over the internet. The complainant has also alleged that the petitioner/husband is attempting to abscond from India to Australia.
- 23.** We should not forget at this moment the well-settled law declared by the Hon'ble Supreme Court in the case of ***State of Haryana & Ors. vs. Bhajanlal & Ors.***⁵, which has laid down the basic points for consideration pursuant to which a complaint may be entertained in accordance with law before a Court of law. The Hon'ble Court has narrated down as to when the extraordinary power of this Court under Section 482 of the Code of Criminal Procedure, 1973 may be espoused. Relevant portion thereof may beneficially be quoted herein below: -

⁵ AIR 1992 SUPREME COURT 604; 1992 Supp. (1) Supreme Court Cases 335

“102. This Court in the backdrop of interpretation of various relevant provisions of CrPC under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 CrPC gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:

(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 FIR 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 FIR 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 Act concerned (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 Act concerned, 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.”

24. In the light of above discussions made by this Court and in view of observations made by the Hon’ble Supreme Court in the above cited judgment, this Court is fully satisfied that this case falls in the

categories mentioned in 1, 3, and 5 above insofar as the parents-in-law are concerned.

- 25.** Accordingly, **CRR No. 571 of 2016** is **allowed** and **CRR No. 671 of 2016** is, thus, **dismissed**. Connected applications, if any, are also, thus, disposed of.
- 26.** Consequently, the proceeding being G.R. Case No. 4524 of 2013 arising out of Barrackpore Police Station Case No. 133/2013 dated 13.09.2013 under Sections 498A/506/406/34 of Indian Penal Code, 1860 and under Sections 3/4 of the Dowry Prohibition Act pending before the Learned Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas is quashed and all orders passed therein including the order dated 23.11.2015 thereby rejecting the prayer for discharge made by the in laws, are hereby set aside.
- 27.** This Court, however, makes it clear that the complaint against the husband of the opposite party no. 2, namely, Amit Debnath, will be decided on its own merits by the Learned Magistrate concerned independently and in accordance with law, without being influenced by any observations, whatsoever made by this Court.
- 28.** Let a copy of this Judgment be sent to the Learned Court below for information.
- 29.** Interim order, if any, stands vacated.
- 30.** Case Diary, if any, be returned to the learned counsel for the State.

- 31.** Parties shall act on the server copies of this Judgment uploaded on the website of this Court.
- 32.** Urgent photostat certified copy of this Judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J)

P. Adak (P.A.)