

13.08.2025
Ct. No. 32
Sl. No.67
Sws.M

CRR 1232 of 2024

In the matter of : **Santosh Kumar Pandey & Ors.**

... Petitioners

Mr. Tarique Quasimuddin

Ms. Sanchita Chaudhuri

Mr. Adnan Lodi

...for the petitioners

Mr. Suman De

Mr. Subhajit Chowdhury

... for the State

1. Both the learned counsel appearing on behalf of the parties to this revisional application are present before this Court.
2. This revisional application has been filed with a prayer for quashing the proceeding in connection with BGR No. 6306 of 2023 pending before the learned Additional Chief Judicial Magistrate, Alipore.
3. One application under Section 156 (3) of the Code of Criminal Procedure was lodged on 5th September, 2023 by the defacto complainant/opposite party No. 2 herein before the Court of the learned Additional Chief Judicial Magistrate at Alipore alleging, *inter alia*, that opposite party No. 2 was married with Santosh Kumar Pandey (Husband) /petitioner No. 1 herein on 13.10.1996 according to Hindu Rites and Customs.
4. But after three years of marriage, the accused persons subjected her to physical and mental torture and also created pressure on her for bringing money from her parental home.

5. Out of the said wedlock, one male child was born, namely, Sahil Pandey, now aged about 25 years. Her husband, that is the petitioner No. 1 inflicted torture upon the O.P. No. 2 on many occasions and even denied to maintain the opposite party No. 2 with food, clothing etc. and on several times drove her out from the house and several times the dispute were settled for future times. The opposite party no. 2 apparently bore all such torture for the sake of her future conjugal life.
6. In the year 2008, her husband/petitioner No. 1 permanently shifted to the city of Bengaluru and started his own business there and even took away all the gold ornaments of the O.P. No. 2.
7. The O.P. No.2 also alleged about some illicit relationship between her husband and one lady at Bengaluru.
8. Lately, it came to the knowledge of the opposite party No. 2 herein, that the petitioner No. 1 married with another lady and continued his relation with that lady, namely, Somani Pandey.
9. In the month of June, 2016, the O.P. No.2 and her son went to Bengaluru but in the month of March, 2018 her husband/petitioner No. 1 forced the O.P. No. 2 and her son to come back to Kolkata.
10. It is also alleged that the accused persons even threatened to kill her in case she tried to file any complaint before the police.

11. After investigation, charge-sheet was submitted under Section 498A of Indian Penal Code read with Section 4 of the Dowry Prohibition Act.
12. Petitioners have prayed for quashing of the proceeding submitting, *inter alia*, that all the allegations are omnibus and general in nature and there is no specific averment regarding the particular role played by any of the petitioners/accused persons and moreover the son of the petitioner No. 1 also did not adduce any evidence in respect of the fact that the son is residing with his mother/opposite party No. 2. Before parting with, it is submitted that no neighbor was examined in this case during investigation.
13. *Per contra*, learned counsel appearing on behalf of the State has submitted that during investigation four witnesses, that is, the family members of the opposite party No. 2 were examined in this case. Learned counsel appearing on behalf of the State has submitted that there are sufficient allegations in the complaint under Section 156(3) of the Cr.P.C. to *prima facie* constitute an offence under Section 498A of the Indian Penal Code.
14. On careful scrutiny of the FIR, I find that the sum and substance of the FIR lodged under Section 156(3) of the Cr. P.C. was that the opposite party No. 2 got subjected to physical and mental torture by all the accused persons but at the same time specific allegation was made against her

husband/petitioner No. 1 herein with regard to physical and mental torture.

15. Therefore, I find that the allegations against the petitioner No. 2/married sister-in-law and the petitioner No. 3/elder brother of the husband are omnibus in nature.
16. That apart, from the statement recorded under Section 161 of the Cr.P.C., I find some general allegation against the petitioner No. 2 and 3 without specifying any particular role played by either the petitioner No. 2 or 3.
17. This revisional application has been filed with a prayer for exercising jurisdiction under Section 482 of the Cr.P.C. The High Court is not supposed to find out the genuinity of the complaint at this stage. It is also settled that the High Court is not empowered to hold any mini trial.
18. Considering the averments in the complaint made under Section 156(3) of the Cr.P.C., I find *prima facie* allegation against the husband/petitioner No. 1 which was investigated and charge-sheet was also submitted.
19. With regard to the above, the prayer for quashing the proceeding against the petitioner Nos. 2 and 3 stands allowed.
20. The proceeding in connection with BGR No. 6306 of 2023 against the petitioner No. 2, Arti Tiwari and the petitioner No. 3, Paras Pandey @ Paras Nath Pandey stands quashed.
21. Prayer for quashing of the proceeding in connection BGR No. 6306 of 2023 with respect to the petitioner No. 1/ Santosh Kumar Pandey, stands dismissed.

22. With the aforesaid observations, the revisional application being CRR 1232 of 2024 stands disposed of.
23. Petitioner No. 1 is at liberty to take all such defence as deemed necessary before the Trial Court at the time of trial.
24. All parties to act on the server copy of this order duly downloaded from the official website of the Court.
25. Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Bibhas Ranjan De, J.)