

11.09.2025
DL-4
Court No.26
(AD)

CRR 1656 of 2025
with
IA No.: CRAN 1 of 2025

In Re.: An application under Section 482 of the Code of Criminal Procedure, 1973/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Kusal Roy & Ors.

... ..petitioners

Mr. Kamalesh Chandra Saha, Advocate
Mr. Payel Mitra, Advocate
Mr. Anurag Basu, Advocate

... for the petitioners

Mr. Suman De, Advocate
Mr. Tirthankar Dhali, Advocate

... for the State

Mr. Pratim Priya Dasgupta, Advocate

... for the opposite party no.2

1. Four accused in a criminal case are before Court for quashing of a proceeding being ACGR 4612 of 2020 pending before the learned 2nd Judicial Magistrate, Alipore, South 24 Parganas.
2. Learned Advocate appearing for the petitioners submits that, in respect of the matrimonial disputes of the de facto complainant, there is a matrimonial suit as also a proceeding under the Domestic Violence Act are pending. He submits that, there is no material as against the petitioners for continuance of the criminal case.
3. State and the opposite party no.2 are represented.
4. Police initially registered a First Information Report, *inter alia*, under Sections 498A/406/34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Domestic Violence Act.

5. On investigation, police submitted a charge sheet under Sections 498A/34 of the Indian Penal Code, 1860 omitting the other provisions of the Indian Penal Code and Domestic Violence Act.
6. Case diary was directed to be produced by the Coordinate Bench.
7. Learned Advocate appearing for the State produces the case diary.
8. In the case diary, there are four statements recorded under Section 161 of the Code of Criminal Procedure.
9. The Statements recorded under Section 161 of the Code of Criminal Procedure are omnibus and general in nature.
10. No particulars of torture either physical or mental appear from such statements.
11. Charge sheet submitted by the police records that the de facto complainant did not want to obtain the stridhan articles. Consequently, the police dropped Section 406 of the Indian Penal Code, 1860 from the charge sheet.
12. As the materials in the case diary stands today, it does not appear that the de facto complainant or the investigation made out any case to send any of the petitioners for trial.
13. In such circumstances, ACGR 4612 of 2020 is quashed.
14. **CRR 1656 of 2025** and **IA No.: CRAN 1 of 2025** are **disposed of.**

(Debangsu Basak, J.)