

15.01.2025

Sl. No.: 7

Court No.30
BM

CRR 1483 of 2022

Pritikana Basak

Vs.

Mohua Basak

Mr. Nilendra Narayan Ray
Mr. Vaskar Pal

... for the petitioner

Mr. Ujjal Ray

... for the opposite party

1. The present revisional application has been preferred praying for **quashing** of the proceedings in C. No.2376 of 2021 pending before the court of the learned Judicial Magistrate, First Class, Barasat North 24 Parganas under Section 12 read with Sections 18/19/20/22/23 of the **Protection of women from Domestic Violence Act.**
2. It appears from the materials on record that **the opposite party is admittedly the daughter-in-law of the petitioner herein.** The opposite party has initiated this proceeding under Section 12 of the Protection of women from Domestic Violence Act.
3. The matter is subjudice before the trial court. The petitioner herein has prayed for quashing of the said proceeding. It appears from the application under Section 12 of the said Act filed before the trial court that the opposite party herein has **initiated the case against her husband and mother-in-law.**
4. The marriage was solemnised in the year 2004. In 2005 a girl child was born. Subsequently, differences have

developed, leading to the present case wherein the petitioner prayed for relief under the said Act.

5. Section 2(f) of the Protection of women from Domestic Violence Act, lays down :-

“Section 2.

(f) domestic relationship means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.”

- 6.** In the present case though the petitioner has stated that she was not in a domestic relationship with the opposite party, **the said fact is subject to proof before the trial court.**
- 7.** This court at this stage cannot consider the said prayer of the petitioner herein, which if permitted shall clearly be an abuse of the process of law.
- 8.** The revisional application is thus disposed of with the liberty granted to the petitioner to raise the issues agitated in the present revisional application before the trial court at an appropriate stage, which the trial court shall consider in accordance with law.
- 9. CRR 1483 of 2022 is disposed of.**
- 10.** All connected application, if any, stands disposed of.
- 11.** Interim order, if any, stands vacated.
- 12.** Let a copy of the order be sent to the learned trial court at once.

- 13.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)