

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 1833 of 2025

Sudipto Kumar Roy
Vs.
The State of West Bengal & Ors.

For the Petitioner : Mr. Sourav Mondal
Mr. Abhirup Halder
Mr. Rony Mondal
Mr. Arijit Bhuiya

Heard on : 23.07.2025

Judgment on : 23.07.2025

Jay Sengupta, J.:

This is an application for quashing of proceeding in Misc. Case No. 230 of 2011 under Section 125 of the Code of 1973.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits that during pendency of a proceeding under Section 125 of the Code, the petitioner's wife got married to another person. However, in the

same breathe, he says that divorce with the petitioner had not taken place.

Therefore, it cannot be said that the private opposite party has validly got married for the second time.

Moreover, these are disputed questions of fact, which can hardly be decided in an application for quashing.

Therefore, I do not find any merit in this application for quashing of the maintenance proceeding.

The revisional application is, accordingly, disposed of without any further order, even as to costs.

However, it shall be open to the petitioner to raise the points and the contentions taken up here in before an appropriate forum.

Learned Magistrate shall expedite the proceeding under Section 125 of the Code.

Urgent Photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)