

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:
The Hon'ble Justice Debangsu Basak

C.R.R. 2062 of 2025

**Shib Ranjan Ghatak
Vs.
Anushree Mistri & Anr.**

For the Petitioner : Mr. Dipta Dipak Banerjee
Mr. Diwakar Pathak

Heard and Judgment on : September 22, 2025

Debangsu Basak, J.:-

1. Revisional application is directed against an order dated February 15, 2025 passed in M.R. Case No. 727 of 2021.
2. Learned advocate appearing for the petitioner submits that there is no relationship of husband and wife between the petitioner and the private opposite party. He refers to an order dated May 17, 2023 passed in C.R.R. 4105 of 2022 passed by the Coordinate Bench.
3. Earlier criminal revisional application being C.R.R. 4105 of 2022 is yet to be disposed of. In an interim order granted, Coordinate Bench observed that the issue as to whether in a void marriage,

allegation of cruelty within the Section 498A of the Indian Penal Code stands attracted or not, required consideration.

4. In the facts of the present case, there is a proceeding under Section 125 of the Cr.P.C. Such proceeding again is yet to attain finality. Point of maintainability was raised.
5. Learned Court passing the impugned order found that such maintainability issue need not be decided at the stage since the parties should be afforded an opportunity to lead evidence at the trial.
6. Proceeding under Section 125 of the Cr.P.C. is not limited to an admitted relationship of husband and wife. It is for the person initiating such proceeding to establish in such proceedings sufficient relationship so as to attract such provisions. The petitioner therein should be afforded reasonable opportunity to lead evidence in respect of such case. Such stage is yet to arrive.
7. In such circumstances, I am not minded to interfere with the order impugned.
8. C.R.R. 2062 of 2025 is accordingly disposed of accordingly.

(Debangsu Basak, J.)

S.D.