

29.10.2025
Sl. No.15
Ali
Ct.No.550

CRR 1625 of 2023

In Re: An Application under Section 482 of the Code of Criminal
Procedure, 1973

In the matter of : **Smt. Purnima Nandy & Another**

.... petitioners

Mr. Prasenjit Debnath,
Mr. Amritansu Sengupta

.....for the petitioners.

Mr. Kallol Mondal, Sr. Adv.,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Sreyash Kumar Singh,
Mr. Akbar Lascar,

.....for the opposite Party No. 2.

Mr. Pravas Bhattacharya,
Mr. Mirza Firoj Ahmed Begg

...for the State.

1. The learned Counsel for the petitioners has submitted that the petitioners namely, Purnima Nandy and Priyanka Yadav Nandy @ Rishita Yadav are the distant relatives of the principal accused and they are not involved with the commission of the alleged offence. The petitioners are the residents of Kolkata and the alleged place of occurrence is at Chandannagor, Hooghly.
2. The learned Counsel has relied upon three judicial decisions namely, (i) Neelu Chopra & Anr. Vs. Biiarti reported in (2009) 10 SCC 184; (ii) Kahkashan Kausar alias Sonam & Ors.

vs. State of Bihar & Ors. reported in (2022) 6 SCC 599 and (iii) Abhishek vs. State of Madhya Pradesh reported in 2023 SCC OnLine SC 1083. According to the learned Counsel, when the exact role of the accused has not been specifically mentioned in the FIR, the complaint against such person should be quashed otherwise, there would be a sheer abuse of process of law.

3. In Kahkashan Kausar alias Sonam (supra), the Hon'ble Court has been pleased to observe that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation. So far as the case of Abhishek (supra) is concerned, the Hon'ble Apex Court has relied upon the judicial decision of Neelu Chopra (supra) and also other decisions to lay down that when the FIR does not constitute any cognizable offence, the FIR or complaint should be quashed.

4. The learned Counsel for the de-facto complainant has raised vehement objection. He has submitted one certified copy of the complaint case being No. 655 of 2022 pending before the learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly showing that the husband of the de-facto complainant herein has initiated the said case against the de-facto complainant and her relatives and one of the witnesses named in the complaint is Priyanka Yadav, who is the petitioner no.2 herein.

5. Mr. Kallol Mondal, learned Senior Counsel has also drawn the attention of this Court to the annexure at page 17 in the supplementary affidavit filed by the petitioner, showing that Priyanka Yadav Nandy @ Rishita Yadav was one of the witnesses to the seizure list in connection with Arambagh Police Station Case No. 22 of 2022 dated 16-01-2022. According to Mr. Mondal, it shows that Priyanka Yadav Nandy @ Rishita Yadav is a resident of the matrimonial home of the de-facto complainant and it also belies the submission of the learned Counsel of the petitioners that the petitioners are not usually residing the matrimonial home of the de-facto complainant.

6. The learned Counsel for the State has submitted that there are sufficient incriminating materials in the case dairy and as such, he opposes the prayer for quashing of the entire proceeding so far as the petitioner nos. 1 and 2 are concerned.

7. I have considered the materials on record and also the CD. It appears that the allegation against the petitioner nos. 1 and 2 are omnibus and therefore, the submission of the learned Counsel for the petitioners has some merit but the aforesaid seizure list and the petition of complaint in connection with CR 655 of 2022 of the learned Court of ACJM, Chandannagore, Hooghly, prima facie show that the petitioner no.2 is usually a resident of the de-facto complainant's matrimonial home, wherein the offences alleged to have been taken place, and

therefore the allegation in the FIR against the petitioner No. 2 cannot be brushed aside right now.

8. Therefore, though I am inclined to allow the prayer for quashing of the proceeding in respect of the petitioner no.1 Purnima Nandy, I am not inclined to allow such prayer so far as the petitioner no.2, Priyanka Yadav Nandy @ Rishita Yadav is concerned.

9. The CRR 1625 of 2023 is allowed in part.

10. The proceeding being GR Case No. 80/2022 arising out of Arambagh Police Station Case No. 22/2022 dated January 16, 2022 under Section 498A/406 of IPC along with its charge-sheet so far as the petitioner no.1, Purnima Nandy is concerned, is hereby quashed. However, I would like to make it clear that the prayer for quashing the said proceeding in respect of the petitioner no.2, Priyanka Yadav Nandy @ Rishita Yadav, is hereby rejected.

11. CRR 1625 of 2023 is accordingly, disposed.

12. Urgent Photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Apurba Sinha Ray, J.)