

CRR No. 2274 of 2024

In the matter of : Tarun Kumar Rakshit & Ors. .. petitioners.

Mr. Ayan Bhattacharjee
Mr. Ranadeb Sengupta
Mr. Pratip Mukherjee
Mr. B. Majumder
Mr. P. Biswas ...for the petitioners.

Ms. Trina Mitra ...for the opposite party.

Mr. Debasish Roy
Mr. Arijit Ganguly
Ms. Sreemoyi Roy ...for the State.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

The petitioners who are the parents in law and distant relatives of the matrimonial family of the private opposite party/de facto complainant seek quashing of proceeding being ACGR 132 of 2023 (ACGR 3012 of 2021) pending before the learned Judicial Magistrate, 6th Court, Alipore, South 24 Parganas on the ground that the allegations made in the FIR against the petitioners as well as charge sheet are general and omnibus and no specific overt act has been attributed to each of the petitioners.

The allegations made out by the private opposite party has not been substantiated in course of investigation

and allowing the case to proceed shall be an abuse of the process of Court.

Learned counsels for the opposite parties oppose the prayer.

It appears that the complaint lodged by the private opposite party was registered as FIR under Section 498A/406/34 of the Indian Penal Code read with Section 5 of the Dowry Prohibition Act and charge sheet has been submitted under the said provisions of law.

In course of investigation, only the parents, cousin and friend of the private opposite party have been examined under Section 161 of the Code of Criminal Procedure. Injury reports do not support the case of the prosecution.

Allegations made against the petitioners are general and omnibus in nature and no specific overt act has been attributed to each of the petitioners in connection with the offence alleged.

Surprisingly, the charge sheet also reiterates the fact of the case as made out in the complaint and nothing further.

The details of evidence/material collected in course of investigation to substantiate the allegations are absent in the charge sheet.

In the authority in Sharif Ahmed & Anr. Vs. State of Uttar Pradesh & Anr. reported in (2024) 6 SCR 86, the

Hon'ble Supreme Court has held "the investigating officer must make clear and complete entries of all columns in the chargesheet so that the court can clearly understand which crime has been committed by which accused and what is the material evidence available on the file. Statements under Section 161 of the Code and related documents have to be enclosed with the list of witnesses. The role played by the accused in the crime should be separately and clearly mentioned in the chargesheet, for each of the accused persons."

The charge sheet submitted by the investigating officer is bereft of the said material and as such, this Court is inclined to hold that no prima facie case having been made out against the petitioners, allowing the proceeding to continue shall be an abuse of the process of the Court.

Accordingly, the revisional application being CRR 2274 of 2024 is allowed.

ACGR 132 of 2023 (ACGR 3012 of 2021) pending before the learned Judicial Magistrate, 6th Court, Alipore, South 24 Parganas be quashed qua the petitioners.

It is made clear that the case shall continue against the other accused.

The petitioners be set at liberty at once and be discharged from their bail bonds.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)