

11.09.2025
Ct. No. 550
Sl. No. 25
SG

In the High Court at Calcutta
Criminal Revisional Jurisdiction

C. R. R. 2870 of 2024

In Re: ***Sukanta Mondal & Ors.***

... Petitioners

Mr. Indranuj Dutta,
Mr. Atanu Basu,
Ms. Benazir Sk,
Mr. Rahul Ghoshal,
Mr. Asmanur Quail.

... for the petitioners

Mr. Debasish Ray, Id. P.P.
Mr. Saryati Dutta,
Mr. Rahul Ganguly

...for the State

1. Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in GR Case 1515 of 2023 pending before the learned Judicial magistrate, 1st Class, 2nd Court, Hooghly, Sadar arising out of Balagarh Police Station Case No. 241 of 2023 dated 01.06.2023 under Sections 498A, 406 of IPC read with Section 4 of the Dowry Prohibition Act, 1961, in fact the allegations are baseless and the relevant proceedings including charge-sheet should be quashed under Section 482 of Cr.P.C. It is also submitted on behalf of the petitioners that a bare perusal of the allegations levelled in the written complaint it would be clear that the same contains concocted, vague, general and omnibus allegations without mentioning of any time line of the alleged incident or incident.

2. Learned Counsel for the petitioners has submitted several judicial decisions report in ***Kahkashan Kausar @ Sonam vs. State of Bihar & Ors., (2022) 6 SCC 599*** and also three unreported decisions in connection with ***CRR 1077 of 2020 (Sk. Abdul Alim @***

Sk. Abdul Haque vs. The State of West Bengal & Anr.) of this Hon'ble High Court, **Criminal Appeal No. 2345 OF 2023 (Haji Iqbal @ Bala through S.P.O.A. vs. State of U.P. & Ors.)** of the Hon'ble Supreme Court and **CRR 1062 of 2016 (Sayandeb Ghosh & Anr. vs. State of West Bengal & Anr.)** of this Hon'ble High Court in support of his contention.

3. Learned Counsel for the State has submitted that there are sufficient materials against the petitioner husband. However, so far as materials in connection other petitioners, he has left the matter to the discretion of the Court. The duplicate case diary has been produced before this Court.

4. I have taken into consideration the submissions of the learned Counsel for the parties, the FIR, the statements of the witnesses recorded under Section 161 Cr.P.C. and also other materials on record. It is settled law that in exercising power under Section 482 Cr.P.C., the Court must be very much cautious and circumspect. It is also laid down in the judicial decisions of **State of Haryana & Ors. vs. Ch. Bhajan Lal & Ors., 1992 SCC Supl. (1) 335** that the criminal proceedings can be quashed under Section 482 Cr.P.C. if the allegations made in the FIR or complaint, even if they are taken on their face value, do not disclose any cognizable offence. After going through the FIR it appears that there are certain allegations levelled against the husband Sukanta Mondal and mother-in-law Anjali Mondal of the complainant. However, the allegations against other in-laws are omnibus. I have also considered the relevant judicial decisions of the **Kahkashan Kausar @ Sonam** (supra) wherein it has been laid

down that when there are general, omnibus allegations in the course of the matrimonial dispute, the Court should exercise its discretion in granting the prayer for quashing the relevant criminal proceedings. I have also taken into consideration the other judicial decisions of this Hon'ble Court wherein the Hon'ble Court have concurred with the view expressed in the judicial decision of **Bhajan Lal** (supra). In **Haji Iqbal @ Bala** (supra) it has been observed by the Apex Court after quoting the judicial decision of **State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522**, to the effect that:-

“7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge.”

5. However, in the said decision, the Hon'ble Supreme Court has also pleased to observe that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and if need be, with due care and circumspection try to read in between the lines.

6. Considering all the materials on record and the judicial decisions mentioned above, I find that Susmita Das is the married sister-in-law of the complainant and she is residing in her matrimonial home with her husband Sanjay Das. In fact, the allegations against Susmita Das and Sanjay Das are found to be omnibus and the statements of the independent witnesses are

appeared to be hearsay, and therefore she being the married sister-in-law, I do think that the allegations levelled against her and her husband are not sustainable and accordingly I allow the prayer for quashing of the relevant proceedings only in respect of the accused Susmita Das, the married sister-in-law and her husband Sanjay Das who are residing within the jurisdiction of Ghola Police Station, and not in the matrimonial house of the de facto complainant.

7. However, the allegations against the *de facto* complainant's husband and her mother-in-law are to be tested during trial and accordingly the prayer for quashing of the proceeding under Section 482 Cr.P.C. in respect of the complainant's husband, namely, Sukanta Mondal and mother-in-law Anjali Mondal stands rejected.

8. Accordingly, CRR 2870 of 2024 stands allowed in part.

9. The case diary be returned.

(Apurba Sinha Ray, J.)