

14.08.2025
SL No.38
Court No.550
(gc)

CRR 2882 of 2024

**Arati Roy & Ors.
Vs.
The State of West Bengal & Anr.**

Dr. Achin Jana,
Mr. Prosenjit Ghosh,
Mr. Bhaskar Dalui,
Ms. Jaysri Dhar,
Ms. Chetna Rustagi

....For the Petitioners.

Mr. Debasish Roy, Ld. P.P.,
Mr. Saryati Datta,
Ms. Rajashree Tah

... For the State.

Mr. Suchindram Bhattacharjee

....for the Opposite Party No.2.

1. Dr. Jana, the learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in this case. If the FIR is taken into consideration, it will appear that the ingredients in Section 498A of the Indian Penal Code are not available. The instant criminal revisional application has been filed for quashing the FIR in connection with Ashokenagar Police Station Case No.394 of 2023 dated 07.06.2023 under Section 498A of the Indian Penal Code pending before the learned Judicial Magistrate, 2nd Court at Barasat.
2. The learned Counsel for the State, Mr. Saryati Datta, has categorically submitted that there are ingredients of offence punishable under Section 498A IPC in the FIR and as such, the relevant facts are required to be considered after examining the relevant witnesses during trial.
3. The learned Counsel appearing for the de facto complainant, Mr. Suchindram Bhattacharjee, has also submitted that there are sufficient materials in the C.D. showing that the petitioners have

committed the offence punishable under Section 498A IPC. Furthermore, after completion of the investigation, the Investigating Officer has submitted the charge sheet.

4. I have gone through the materials on record including the C.D. produced by the learned Counsel for the State. I have also considered the statements of the witnesses recorded under Section 161 of the Cr.P.C. Section 498A IPC provides as follows:-

“Section 498A. Husband or relative of husband of a woman subjecting her to cruelty. - *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation.—For the purposes of this section, "cruelty means"—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

5. From the above Section, it is transpired that the term “cruelty” as mentioned in the said Section means any wilful conduct which is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health. Furthermore, if there is any harassment of the woman with a view to coerce her to meet any unlawful demand for any property or valuable security, in that case also such harassment should come within the definition of “cruelty” as envisaged in Section 498A IPC.

6. From the record, it transpires that FIR was lodged on 07.06.2023 but prior to that, a partition suit was instituted against the husband of the de facto complainant with a prayer for partition of the ancestral property. Record also shows that prior to lodging of such FIR, the concerned Police Station received one GDE from the mother-in-law of the de facto complainant in the year 2016. All these aspects, as revealed from the record, do not inspire confidence in the genuineness of the FIR lodged by the de facto complainant. It appears that the FIR does not contain anything showing that ingredients of offence punishable under Section 498A IPC are present. In view of the above, I find that continuance of the G.R. Case No.1513 of 2023 pending before the learned Judicial Magistrate, 2nd Court, Barasat will be a serious abuse of process of Court and, therefore, I find merits in the submission of the learned Counsel for the petitioners.
7. The relevant proceeding being G.R. Case No.1513 of 2023 pending before the learned Judicial Magistrate, 2nd Court, Barasat along with the relevant FIR is hereby quashed.
8. Accordingly, the criminal revisional application is disposed of on contest.
9. However, there shall be no order as to costs.
10. Interim order, if any, stands vacated.
11. C.D. be returned to the learned Counsel for the State.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)