

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:-

THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

CRR NO.3060 of 2022

**SRI SUNITH KUMAR RAY
VS.
THE STATE OF WEST BENGAL & ANR.**

**For the Petitioner : Mr. Shataroop Purakayastha, Adv.,
Mr. Amitava Bhowmik, Adv.**

**For the State : Mr. Bibaswan Bhattacharya, Adv.,
Mr. Debanshu Ghorai, Adv.**

**For O.P. No.2 : Mr. Arnab Sinha, Adv.,
Mr. Amartya Basu, Adv.**

Last heard on : 11-12-2025.

Judgement on : 11-12-2025.

Uploaded on : 15-12-2025.

CHAITALI CHATTERJEE (DAS), J. :-

1. This is an application under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the proceedings pending in G. R. Case No.3033 of 2020 arising out of Baranagar Police Station Case No.206 of 2020 dated 03-06-2020 under Sections 498A/406/506/323/325/34 of the Indian Penal Code along

with the orders dated October 20, 2020 and October 25, 2021 whereby cognizance was taken by the learned Magistrate.

Brief Facts of the case

2. The petitioner is the father-in-law of the de-facto complainant and is a retired septuagenarian person. The son of the present petitioner, Abhiroop Roy, got married to the opposite party no.2/de-facto complainant on March 07, 2013 according to Hindu rites and customs. The marriage was registered on March 14, 2013 as per the provisions of the Hindu Marriage Act, 1955. The de-facto complainant was a working lady who worked for Zensar in Pune for around two and a half years before marriage and after marriage; she left her place of work and joined her husband at USA who used to work at USA prior to marriage. The de-facto complainant in order to pursue her higher studies also went to USA and both the sons of the present petitioner and the de-facto complainant were leading their conjugal life in USA. They were also blessed with a baby boy on January 13, 2017.
3. It is the further case of the petitioner that on March 12, 2013, the son of the petitioner and the de-facto complainant went to the paternal house of the de-facto complainant and stayed there till about March 15, 2013. On March 17, 2013, the son of the present petitioner and the de-facto complainant travelled to Bangalore to reside together as husband and wife and they started to stay there in a rental flat. In the last week of May, 2013, the de-facto complaint came to Kolkata from Bangalore and stayed with the petitioner at his house for one day during which the de-facto complainant showed disrespectful behavior

towards the present petitioner and his wife, that is, the accused no. 3. In the year 2018, the de-facto complainant came to Kolkata from USA for the first time after the birth of their son and that during her stay in Kolkata, the de-facto complainant came to the house of the petitioner for only about six hours to collect the gold and silver ornaments and other gifts given to the de-facto complaint and to the minor child. At that time, she allowed the present petitioner and his wife to meet their grandson for only a short duration. Thereafter though she spent extended days at her paternal house on request to her to bring her son to the petitioner's house, she refused to do so. Thereafter, she returned with her minor child to USA. After that in the later part of 2018 and in the year 2019, the petitioner's son became extremely perturbed and worried on suddenly unearthing that over past years, huge sums of money about more than 40 lakhs from his USA based accounts had been siphoned and had been transferred by the de-facto complainant to her personal account in India and to accounts of other unknown persons in India in collusion with the parents of the de-facto complainant. Accordingly, the son of petitioner asked her about the sum and to provide the details including the bank statement, but she refused to do so and became furious and threatened the petitioner with dire consequences including separating the son of the petitioner.

4. On September 30, 2019, the son of the petitioner and the de-facto complainant came back to Kolkata from USA and the de-facto complainant went back to her paternal house directly from airport. After that, on October

04, 2019, the de-facto complainant and her parents and sister dragged the son of the petitioner into unnecessary quarrel and insulted and abused the petitioner's son very badly and compelled him to leave their house. On October 17, 2019, the petitioner's son went to visit his minor son at the residence of the de-facto complainant, but he was once again severely insulted. In the month of September, 2020, the son of the petitioner came to know that the de-facto complainant filed a case under the provisions of Domestic Violence Act being D.V. Act case no.74 of 2020 against the petitioner and his wife and son which is presently pending before the Court of learned Judicial Magistrate, 1st Court, Barrackpore. In this backdrop, the son of the petitioner further came to know that the de-facto complainant had filed a case on March 13, 2020 under Section 13(1)(ia) of the Hindu Marriage Act before the Additional District Judge at Barrackpore which was registered as Matrimonial Suit No.548 of 2020 and the same is pending in the court of learned Additional District Judge, Fast Track Court-IV, Barrackpore. Thereafter, as the son of the petitioner refused to meet the demand of the de-facto complainant of Rs. 8 crores, on June 03, 2020, the de-facto complainant filed the instant complaint against the son of this petitioner dragging the petitioner and his wife. On completion of investigation, charge sheet has been submitted and the learned Magistrate took cognizance of the same and hence the present petitioner being the father-in-law of the de-facto complainant has come up before this Court for quashing of the entire proceeding.

Submissions

5. Learned advocate for the petitioner submits that no case has been made out against the present petitioner under Sections 498A/406 of the IPC and whatever allegation he has levelled is mostly against the son of the present petitioner. It is further submitted that the complaint is devoid of any such iota of ingredient to attract the aforesaid provisions. That apart, no detailed description of torture or the date of event or incident and the mode and manner of torture are described over there. The entire allegation is omnibus in nature and therefore, if the proceeding is allowed to continue, that would be an abuse of process of law.
6. Learned advocate for the petitioner has relied upon the decision in the case of ***Achin Gupta Vs. State of Haryana, report in¹*** and ***Dara Lakshmi Narayana & Ors. Vs. State of Telengana and Anr, reported in²*** In both the decisions, the Hon'ble Supreme Court heavily came up and criticized the growing tendency of misusing the provisions under Section 498A of the Indian Penal Code by filing complaints and in such circumstances, the power under Section 482 of the Code to be exercised in order to quash the proceeding.
7. Learned advocate representing the Opposite Party no. 2, on the other hand, candidly submits that at present there is no ingredient to attract Section 406 IPC since all the srtidhan articles have been returned to the de-facto

¹ 2024 Cri.L.J. 2307

² 2025 AIR (SC) 173.

complainant under *zimmanama*. Therefore at present nothing remains to attract 406 IPC. However, it is further submitted that there are certain ingredients even though no specific date of incident mentioned so far as the present petitioner is concerned, but she has tried her level best to express continuous torture inflicted upon her by the husband fully supported by the petitioner and his wife. Accordingly, the learned advocate prays for dismissal of the present petition.

8. Learned Advocate for the State submits that on completion of investigation, the charge sheet has been submitted and the allegations placed therein are to be proved in course of trial while the evidence of the witnesses will be taken up by the learned Court.

Analysis

9. Heard the submissions of the learned advocates for the parties. Prima facie, on perusal of the written complaint as lodged by the de-facto complainant, it can be found that the marriage was of 2013 and after that, they led conjugal life and in the year, a child was born out of the said wedlock. It is also seen that the de-facto complainant and the son of the petitioner was mostly resided outside the matrimonial house and at USA with their child. The total period of stay at the matrimonial house is only approximately few hours if calculated and within this short span of time hardly the petitioner had an interaction with her but despite that he has been roped in falsely.
10. The written complaint manifests disputes over trivial issues like during the period she conceived when she came back to India, she had to manage

everything of her own though she was suffering from ill health and no support was provided to her to boost up her mental strength. Further that the present petitioner misbehaved with her because of ill health. Despite repeated requests from her end, the present petitioner or his wife refused to visit USA for lame excuses. From the contents of the FIR mostly the allegations are found against the husband but no specific overt act can be found so far as the present petitioner is concerned in order to establish that any torture was inflicted upon by the petitioner not even any materials to attract section 406 IPC excepting some omnibus and general allegations. The incident as alleged to have been taken place on December 10, 2019 also do not contain any such ingredients to attract the provisions of Sections 498A.3232/506 IPC so far as the present petitioner is concerned.

11. In the decision of ***Achin Gupta (supra)***, it was observed that many times, the parents including the close relatives of the wife make a mountain out of a mole hill, instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. While deciding the case for quashing of a case in connection with an offence under Section 498A IPC, it was held that every matrimonial conduct which may cause annoyance to other, may not amount to cruelty. Mere trivial irritations, quarrels between the spouses, which happen in day-to-day married life, may also not amount to cruelty.

12. In the decision of **Dara Lakshmi Narayana & Ors. (supra)**, the Hon'ble Supreme Court held as follows:

“25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalized and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living indifferent cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by a growing discord and

tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.”

13. Since the charge sheet has been submitted in this case, the petitioner has received the copies of the charge sheet as well as the statements recorded under Section 161 of the Code of various witnesses including the parents of the de-facto complainant and on a cursory glance to the said statements also, nothing can be found which can be said to be sufficient material to attract the aforesaid sections so far as the present petitioner being the septuagenarian father-in-law is concerned. In the decision of **Hazi Iqbal vs State of U.P**³ it was held by the Hon’ble apex court that where primarily the nature of allegation found are not sufficient and apparently false and vexatious the court must not restrict its power only to the content of the complaint but the other circumstances giving rise to such situation .

³ (2024) 15 SCC 776

14. Therefore, on anxious consideration of the entire facts and circumstances of the case and considering the absence of any specific allegation against the present petitioner being a septuagenarian person and on a plain reading of the FIR and the charge sheet papers, there left nothing for which the trial should proceed.

15. Therefore, this Court is of the view that there is no reason to allow this proceeding to be proceeded further so far as the present petitioner is concerned. If this proceeding is allowed to continue, this would amount to gross abuse of process of law.

Conclusion

16. This criminal revision is hence allowed. The proceeding pending before the learned Trial Court is hereby quashed so far as the present petitioner is concerned. All the connected application if any pending are disposed of.

17. All parties shall act on the server copies of this judgment duly downloaded from the official *website* of this Court.

18. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]