

16.12.2025
Item No.22
Ct. No. 34
nb

CRR 3447 of 2022

In the matter of: **Smt. Kakali Pal & Anr.**

..... petitioners.

Mr. Indranuj Dutta,
Ms. Benazir Sk.

....For the Petitioners.

Mr. Sayanti Santra,

.... For the State.

1. This revisional application has been filed by the present petitioners under Section 482 of the Code of Criminal Procedure, who are the sister-in-law and her husband of the de facto complainant for quashing of the impugned proceeding being G.R. Case No. 1914 of 2016 pending before the Learned Judicial Magistrate, 1st Court, Uluberia, Howrah under Sections 498A/406/34 of the IPC.
2. The brief fact of the case in a nutshell is that marriage between the brother of the present petitioner no.1 and the opposite party no.2 was solemnized on January 20, 2016 in accordance with Hindu Customs and Rites. The opposite party no.2 lodged a complaint on August 29, 2016 before the Inspector-in-Charge, Bagnan Police Station against the petitioners and three others, including husband with completely false allegations. The present petitioners being the sister-in-law is not resided at the

said matrimonial house of the de facto complainant and no specific allegation has been levelled against them.

3. Learned counsel representing the petitioners submits that the materials in the written complaint to attract Sections 498A/406/34 of the IPC. So far as the present petitioners are concerned and therefore, they have come up before this Court for quashing of the proceeding pending being the learned Court.
4. He has relied upon the decision of ***Kahkashan Kausar @ Sonam & Ors. reported in (2022) 1 S.C.R. 558.***
5. None appears on behalf of the de facto complainant/opposite party no.2 , though the direction was given to the State on December 9, 2025 to serve upon the de facto complaint and the report furnished before this Court, reveals that notice was received by the de facto complainant herself on December 15, 2025.
6. Learned counsel representing the State has handed over the copy of the Case Diary and submits that charge sheet has been submitted. The petitioner has also by filing supplementary charge sheet has incorporated the materials from the case diary. The statement and other documents of the Case Diary, which was handed over to them in terms of Section 207 of the Code of Criminal Procedure 1973.

7. It is further submitted by the learned counsel representing the State that the charge-sheet has been submitted but no charge has yet been framed by the court and there are certain materials in the statement recorded under Section 161 of the Code of Criminal Procedure against the present petitioner.
8. The complaint, prima facie, lodged by the de facto complainant on August 29, 2016 alleged that since after one month of the marriage took place the husband of the opposite party no 2 made her life miserable by neglecting, torturing both physically and the other in laws aided him and on protest by her, she was threatened to be divorced. She further alleged that on June 9, 2016 the husband of the opposite party dropped her off at her paternal house with the assurance to take her back but refused to take her back.
9. The present petitioner and her husband are the married sister-in-law and her husband and they are not resident of the matrimonial house of the de-facto complainant. From the Court corner of the complaint no specific allegation of torture either to attract Sections 498A IPC or of section 406/34 can be found but the allegation found that they misguided the husband of the de facto complainant along with parent-in-laws of the complainant to the husband of the de facto complainant. In this case

on completion of the investigation the charge-sheet has been submitted and the case diary is placed before this Court. On perusal of the same alongwith the various statements recorded in respect of the prosecution witnesses it transpire that the allegations levelled against the petitioners and general and omnibus in nature.

10. In the decision relied upon by the leaned counsel on behalf of the petitioner in ***Khakashan Kausar 2 Sonam & ors (supra)*** it was held after taking note of the decision of ***Preeti Gupta & Anr. Vs. State of Jharkhand*** reported in ***(2010) 7 SCC 667*** as also the decision of ***Geeta Mehrotra & Anr. Vs. State of U.P. & Anr.*** reported in ***(2012) 10 SCC 741*** that incorporation of Section 498A of IPC was aimed at preventing cruelty upon a woman by her husband and her in laws ,by facilitating rapid state intervention . However in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage ,now more than ever . This has resulted in an increased tendency of implicating to employ provisions such as 498A IPC as instruments to settle the personal scores against the husband and his relatives or relative of husband in matrimonial disputes ,without analyzing the long term ramifications of trial on the complainant

as well as the accused.. False implication by way of general omnibus allegations made in course of matrimonial dispute, if left unchecked would result in the misuse of the process of law. Therefore this court by way of judgement has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.'

11. In the case of **Geeta Meherotra & Anr vs State of UP & Anr. (2012)10 SCC 741** it was observed in para 21

21. It would be relevant at this stage to take note of an apt observation of this Court recorded in G.V. Rao v. L.H.V. Prasad wherein also in a matrimonial dispute, this Court had held 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 which was quashed and set aside. Their Lordships observed therein with which we entirely agree that: (SCC p. 698, para 12)

"12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought

about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their young' days in chasing their 'cases' in different courts."

The view taken by the Judges in that matter was that the courts would not encourage such disputes.

Therefore the above nature of observations glaringly manifest the numerous instances of false accusation against the family members of husband for commission of offence under section 498A IPC

12. In the decision of **Geeta Mehrotra & Anr. (supra)** reported in **(2012) 10 SCC 741** it was taken note of the decision of **Ramesh & Ors. Vs. State of Tamil Nadu** reported in **(2005) 3 SCC 507** where the complaint was lodged against married sister under Sections 498A/406/34 of the IPC along with Section 4 of the Dowry Prohibition Act. It is also stated that the allegations in the F.I.R. do not make out any offence of which cognizance could be taken. It was held that that a criminal court only has jurisdiction to try an offence if the entire cause of action or any part of the cause of action arises within its local limits. It was also found that no overt act of cruelty was committed in the place where the complaint was filed. It is

stated that Section 498A is not a continuing offence that automatically extends jurisdiction to the wife's parental home merely because she resides there after leaving the matrimonial home unless specific acts of cruelty are committed within that parental home's jurisdiction.

13. In this case, the allegations were made against the married sister of the complainant's husband is undisputedly not living with the family of the complainant's husband and the complaint is silent about the role attributed by them excepting aiding the husband and in laws in inflicting torture without ascribing any specific overt act by them , arrayed them as co-accused in the F.I.R and therefore upon consideration of the relevant factors this court is of the view that the petitioner must not be forced to face the ordeal of trial and therefore the proceeding pending before the learned Court below should be quashed against them.

14. This Court is also of the view that if the present proceeding is allowed to continue it will be abuse of the process of law and therefore, there is reason for directing the matter not to proceed any further.

15. With this above observation/direction, this criminal revisional application stands disposed of as allowed.

16. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)